

<p>District- Ranchi</p> <p>IN THE COURT OF AJC-XVIII CUM SPL. JUDGE C.B.I., RANCHI</p> <p>Present : Prabhat Kumar Sharma Spl. Judge C.B.I. Ranchi (Jharkhand).</p> <p><u>Dated: 30th September 2023</u></p> <p>District: Ranchi</p> <p><u>Session Trial No. 554/2017</u> Case No. R.C. 09(S)/2015-SC-I</p> <p><u>CNR-JHRN010076272017</u></p> <p>FIR No. Kotwali (Hindpidi) P.S. Case No. 742/2014 (Re-registered FIR No. RC SI2015 S0009)</p>	
Complainant	State through Central Bureau of Investigation.
Represented By	Sri Priyanshu Kumar Singh, Sr.P.P., C.B.I.
Accused Persons	<p>A-1. Ranjeet Singh Kohli, aged about 46 years, S/o Late Harnam Singh Kohli, R/o Indraprasth Colony, Bariatu, P.S. Bariatu, District-Ranchi.</p> <p>A-2. Kaushal Rani, aged about 87 years, W/o Late Harnam Singh, R/o Indraprasth Colony, Bariatu, P.S. Bariatu, District-Ranchi.</p> <p>A-3. Md. Mustaque Ahmed, aged about 60 years, S/o Late Abdul Salam, R/o Katehari, P.S. Dandari, District- Begusarai, Bihar</p>
Represented By	Mr. Mukhtar Khan, Adv. Sri Rohit Ranjan Prasad, Adv.

Date(s) of Offence	July-August, 2014
Date of F.I.R.	19.08.2014
Date(s) of Chargesheet	15.05.2017
Date(s) of Framing Charges In case charge is framed or altered in more than one day than specifically it is to be mentioned on which date charge is framed against which accused.	02.07.2018
Date of Commencement of evidence	16.07.2018
Date of Judgment is reserved	23.09.2023

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Date of the judgment	30.09.2023
Date of Sentencing Order, if any	05.10.2023

Note: The real name of the prosecutrix/victim has been kept hidden and written as XYZ in this judgment, being an offence of sexual atrocity against a woman.

Charge U/s 120B r/w 496, 376, 323, 298, 354A, 506 & 498A of IPC

J U D G M E N T

1. This case has been instituted by the Officer-in-Charge of Kotwali/ Hindpidi Police Station, Dist-Ranchi on the basis of the fardbeyan of informant namely XYZ as FIR No. 742/2014, U/s 498-A/34 IPC dated 19.08.2014 against accused persons Ranjeet Singh Kohli and Kaushal Rani and directed investigation in the matter.

2. The prosecution case in brief is that the informant has alleged in her fardbeyan that her marriage was solemnized with accused Ranjeet Singh Kohli on 7th July, 2014 as per Hindu rites and after marriage she was residing with her husband and mother-in-law Kaushal Rani. On next day of the said marriage one *Kaazi* was called for solemnizing her Nikah according to the Islamic custom and creed on the direction of her husband that if she would not solemnize *Nikah*, he will not be her husband and in due course she was being subjected to torture on different ways and she was not being allowed to make phone calls to any one. It is further alleged that on 13.08.2014 her mother-in-law told her not to talk with dai (maid) etc. of the house. It is further alleged that her husband slapped on her left ear as a result she sustained injury and swelling and thereafter the accused brought her in a room and brutally assaulted the informant by *Kohni (elbow)* upon her body, causing injury and there was sign of injury upon her body. The accused persons

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threatened her if she will tell about the assault to her father and brother, she will have to face dire consequences and also threatened her to implicate her family members in a false case, and due to fear the information was not given by her. It is further alleged that she was provided meal in late hours and she was used to be intimidated by dog and even she was not allowed to sleep and accused forcibly made physical relation with her. On 19.08.2014 when her husband was not at home, then she informed the matter to her brother and anyhow rescued on 19.08.2014 from the house of accused Ranjeet Singh Kohli situated at R-4/D, Blair Apartment, Ranchi by local police. Hence this case.

3. After due investigation in the matter, on dated 23.10.2014, charge sheet No.211/2014 was submitted by the Investigating Officer of Hindpidi P.S. against Ranjeet Singh Kohli and Kaushal Rani for the offence U/s 498-A/34 IPC and further investigation was kept open. The cognizance of the said offence was taken by the Ld. CJM, Ranchi on 24.10.2014 and Charges were read over and explained to both the accused persons U/s 498-A/34 and 496/34 IPC vide order dated 15.12.2014. Thereafter, on 22.01.2015, Supplementary Charge sheet No. 44/15 against both the aforesaid accused persons was filed for commission of offences U/s 153-A, 295-A IPC and the charges were framed against both the accused for commission of offences U/s 153-A and 295-A IPC vide order dated 23.04.2015 in addition to charges already framed. Meanwhile, the Hon'ble High Court of Jharkhand, Ranchi has been pleased to pass an order dated 22.05.2015 to transfer the

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investigation of FIR no. 742/2014 dated 19.08.2014 of Kotwali/Hindpidi, P.S. Dist-Ranchi to the CBI, in the Writ Petition (PIL) No.4400/2014 filed by an organization “Akhand Bharat” through its District President, Ranchi. In pursuance of the order of Hon’ble High Court of Jharkhand and notification issued by Govt. of Jharkhand, the said FIR No.742/2014 was re-registered by the CBI, SC-I, New Delhi as RC-09(S)/2015-SC-I on 10.08.2015 and further investigation was taken up. The investigating officer of the CBI has submitted charge-sheet *vide no. 02 dated 12.05.2017* before my predecessor court on dated 15.05.2017, who upon finding prima facie materials available on record against the accused persons **Ranjeet Singh Kohli, Kaushal Rani** and **Md. Mushtaque Ahmad** for the offences *u/s 120B r/w 496, 376, 323, 298, 354A, 506, 498A of IPC* summoned to the accused persons for their appearance to face trial in the matter except the accused Ranjeet Singh Kohli who was already in judicial custody.

4. After appearance of the accused, they were provided with the police papers and after hearing, charges were read over and explained to them on dated 02.07.2018 and the case was fixed for prosecution evidence.

5. The prosecution has produced as many as 26 (Twenty six) witnesses, who are named and numbered as below :-

P.W-1	Nishant Singh	MBA Student
P.W-2	Kundan Kumar Saw	Manager of Khelgaon Stadium
P.W-3	Ravi Kumar Sharma	Business
P.W-4	XYZ (Prosecutrix)	Assistant Coach Shooting JSSPS, Khelgaon, Ranchi. (Victim)

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P.W-5	Haji Hussain Ansari	Ex-Minister of Jharkhand Government, Ranchi
P.W-6	Kaji Jan Mohammad Mustafur	Kaazi of Ranchi City
P.W-7	Dr. Bijay Vihari Prasad	Civil Surgeon, Ranchi
P.W-8	Dr. Neha Pruthi	Assistant Professor, R.M.L. Hospital, New Delhi
P.W-9	Shivani Chouhan	Metropolitan Magistrate, New Delhi
P.W-10	Dipika Prasad	Inspector at Cyber Crime Thana, Ranchi
P.W-11	Dukhharan Tana Bhagat	Retired Sub Inspector of Police
P.W.-12	Amit Kumar	Data Entry Operator at CCL, Chatra
P.W.-13	Dwed Nath Sahdeo	Shooting Coach
P.W.-14	Ravinder Mehta	Housewife
P.W.-15	Harimati Kumari	Housewife
P.W.-16	Poonam Devi	House Keeping Staff at Blair Apartment, Ranchi
P.W.-17	Hashamuddin Ahmed Zuberi	Contractor
P.W.-18	Pradeep Kumar Gottam	Principal Scientific Officer (Photo), CFSL, New Delhi
P.W.-19	Anup G. Philip	Manager Personnel, CCL, Ranchi
P.W.-20	Ashish Kumar Singh	Advocate Clerk at Civil Court, Ranchi
P.W.-21	Lal Ambika Nath Sahdeo	Farmer
P.W.-22	Harish Chandra Singh	Retired DSP, Jharkhand Police, Ranchi
P.W.-23	Md. Farooque	Inspector CID, Ranchi
P.W.-24	R.K.Srivastava	Principal Scientific Officer (Ball.) at CFSL, Delhi
P.W.-25	Kiran Devi	Housewife
P.W.-26	Seema Pahuja	Additional S.P., CBI, ACB, Chandigarh (I.O.)

6. The prosecution has also proved following documents through the above witnesses which are as follows :-

Ext. 1	Letter dt. 26.05.2016 with annexure i.e. xerox copy of register for registration in Shooting Camp (Substituted with original register on dated 14.09.2018.)
Ext. 2 & 3	Registration forms for registration in summer coaching camp of Mustaque and Ranjeet Singh Kohli

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Ext. 4 & 4/1	Envelope and Invitation Card from Haazi Hussain Ansari.
Ext. 5	Fard beyan of victim dated 19.08.2014.
Ext. 5/1	Signature of Lal Ambika Nath Sahdeo on fardbeyan (Ext-5)
Ext. 5/2	Signature of victim on statement u/s 164 Cr.P.C. dated 21.08.2014 at Ranchi.
Ext. 5/2(a)	Signature of P.W. 10 on fardbeyan (Ext-5)
Ext. 5/3 to 5/15	Signatures of P.W. 12 on Ext. 10 i.e. inspection memo dated 12.09.2015.
Ext. 5/16 to 5/30	Signatures of Anup G. Philip on Ext. 10 i.e. inspection memo dated 12.09.2015.
Ext. 5/31 to 5/38	Signature of P.W. 12 on Ext. 13 i.e. Seal Impression.
Ext. 5/39 to 5/46	Signature of Anup G. Philip on Ext. 13 i.e. Seal Impression.
Ext. 5/47 to 5/54	Signature of P.W. 18 on eight sheet of Ext. 10 inspection memo dated 12.09.2015.
Ext. 5/55 to 5/57	Signature of P.W. 18 on three sheet of Ext. 11 inspection memo dated 12.09.2015 at Ashok Vihar.
Ext. 5/58 to 5/59	Signature of P.W. 18 on two sheet of Ext. 12 inspection memo dated 12.09.2015 at Ashok Nagar.
Ext. 5/60 and 5/61	Signature of P.W. 18 on Mat. Ext. II and II/1 (Memory Card and its Cover)
Ext. 5/62 and 5/63	Signatures of P.W. 19 on back page of Ext. 6 & 7.
Ext. 5/64	Signature of P.W. 19 on Mat. Ext. III (Yellow envelop)
Ext. 5/65	Signature of P.W. 19 on Mat. Ext. IV (Gamchha)
Ext. 5/66	Signature of P.W. 19 on Mat. Ext. VI (Envelop with condom packets)
Ext. 5/67	Signature of P.W. 19 on Ext. VII (Identity Card of Ranjeet Singh Kohli of Summer Coaching Camp)
Ext. 5/68	Signature of P.W. 19 on Mat. Ext. VIII (Envelop containing book Tarkibe Namaz)
Ext. 5/69	Signature of P.W. 19 on last page of Mat Ext. VIII i.e. book Tarkibe Namaz
Ext. 5/70 to 5/71	Signatures of P.W. 19 on Mat. Ext. IX & X invitation cards of Dawat-e-Iftar.
Ext. 5/72	Signature of P.W. 19 on the backside of the page regarding jaruri hidayat of Namaz (Ext-28).
Ext. 5/73 to 5/78	Signatures of P.W. 19 on six sheets from pages. 8 to 13.
Ext. 5/79 & 5/80	Signatures of P.W. 19 on item no. 17 i.e. sealed envelope & Mat. Ext- 11.
Ext. 5/81 to 5/88	Signatures of P.W. 20 on Ext. 10 (on eight sheets of inspection memo dated 12.09.2015)
Ext. 5/89 to 5/91	Signatures of P.W. 20 on Ext. 11 (on three sheets of inspection memo dated 12.09.2015 at Ashok Vihar)
Ext. 5/92 to 5/93	Signatures of P.W. 20 on Ext. 12 (on two sheets of inspection memo dated 12.09.2015 at Ashok Nagar.)

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Ext. 5/94	Signature of P.W. 20 on Ext. 13
Ext. 5/95 to 5/98	Signature of P.W. 20 on back of Material Ext. XII to XII/3
Ext. 5/99	Signature of victim on fard beyan dated 19.08.2014.
Ext. 5/100 to 5/107	Signatures of P.W. 26 on Ext. 10 (on eight sheets of inspection memo dated 12.09.2015)
Ext. 5/108 to 5/110	Signatures of P.W. 26 on Ext. 11 (on three sheets of inspection memo dated 12.09.2015 at Ashok Vihar)
Ext. 5/111 to 5/112	Signatures of P.W. 26 on Ext. 12 (on two sheets of inspection memo dated 12.09.2015 at Ashok Nagar.)
Ext. 5/113 to 5/120	Signatures of P.W. 26 on Ext. 13 to 13/7 i.e. Seal Impressions.
Ext. 5/121	Signature of P.W. 26 on the format of statement u/s 164 Cr.P.C. for identification of the victim/witness XYZ.
Ext. 5/122	Signature of Savita, Inspector of Police on Ext. 9 i.e. Medico Legal Report of 07.06.2016 at 05.40 PM.
Ext. 5/3a to 5/35a	Signatures of victim on each page of her statement u/s 164 Cr.P.C. recorded at Saket Court, Delhi.
Ext. 6 & 7	Two invitation cards of Dawat-e-iftar dt. 10.08.2012 and 26.07.2013.
Ext. 8	Letter of Medical Officer, Sadar Hospital, Ranchi with true copy of Medical Report of victim.
Ext. 9	Medical Examination Report bearing MLC No. 17009.
Ext. 9/a	The statement of victim u/s 164 Cr.P.C. recorded at Delhi.
Ext. 10	Seizure list (Inspection Memo) dt. 12.09.2015 in 7 sheets
Ext. 11 & 12	Two Inspection Memorandum prepared at Ashok Vihar and Ashok Nagar.
Ext. 13 to 13/6	Round seal impressions taken on seven sheets during search.
Ext. 13a	Seizure memo dt. 05.06.2016.
Ext. 14	Carbon Copy of Complainant dt. 19.08.2014 before Hindpidi P.S., Ranchi in one sheet.
Ext. 15	Letter written in red ink by the victim.
Ext. 16	F.I.R. No. 742/14 dated 19.08.2014 of Kotwali(Hindpidi) P.S.
Ext. 17	Personal Search Memo
Ext. 18	Arrest Memo dated 26.08.2014 of Ranjeet Singh Kohli
Ext. 19	Arrest Memo dated 27.08.2014 of Kaushalya Devi
Ext. 20 & 21	Two seizure cum Production list dt. 30.08.2014
Ext. 22	Seizure list dt. 24.08.2014. (torn)
Ext. 23	Chargesheet No. 911/14 dt. 23.10.2014 against Ranjeet Singh Kohli and Kaushal Rani.
Ext. 24	Letter of Dipika Prasad dt. 19.08.2014 addressed to the Medical Officer, Sadar Hospital, Ranchi.
Ext. 24/1	Handing/Taking Over Memo dt. 18.09.2015
Ext. 25	C.F.S.L. report vide no. CFSL-2015/G-1664 dt. 24.06.2016
Ext. 26	Original F.I.R. No. R.C. 5/2015 S 0009 dt. 10.08.2015 in fifteen

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	sheets.
Ext. 27	Bunch of paper obtained during search, from page no. 1 to 89.
Ext. 28 & 28/1	Page no. 7 and 11 regarding Rules and Regulation of Namaz.
Ext. 29	Application for recording statement of victim u/s 164 Cr.P.C. before C.M.M, Saket, dt. 08.06.2016.
Ext. 29/1	Application dt. 9.06.2016 for obtaining the statement recorded u/s 164 Cr.P.C. of victim from the court of Ms Shivani Chauhan Ld.M.M (Room No. 506), Saket.
Ext. 30	None
Ext. 31	Receipt Memo dated 18.01.2016 of Cds/DVD.
Ext. 32	Handling/Taking Over Memo dt. 13.09.2015 in two sheets.
Ext. 33	Letter of Supdt. of Police CBI SC-I to Director, CFSL, New Delhi dt. 21.09.2015
Ext. 34	Receipt Memo dt. 10.05.2015 about documents.
Ext. 35	Letter dt. 07.06.2016 of the I.O. of CBI to the CMO, Safdarjang Hospital, New Delhi.
Ext. 36	Letter dt. 15.01.2016 of the I.O. of CBI to the CMO, Sadar Hospital, Ranchi.
Ext. 36/1	Certified copy of application dt. 19.08.2014 of state police.
Ext. 37	Supplementary charge-sheet with annexure in 11 sheets
Ext. 38	Gazette Notification Jharkhand Govt No. 1178 dt. 27.12.2018.

Material Exhibits brought by Prosecution.

M.Ext. I & I/1	Two C.Ds. of Marriage Ceremony
M.Ext. II	SDHD 8 GB Sandisk Memory Card of the videography and photography during search at three places.
M.Ext. II/1	Cover of memory card
M.Ext. III	Four condom packet with casings.
M.Ext. IV	One towel.
M.Ext. V to V/3	Four caps.
Ext. V/4	Envelop of the caps.
Ext. V/5	Envelop of item no. 1 and 2 with SI.No. 2 and 3
Ext. VI	Envelop with several condom packets.
Ext. VII	Identity card of summer coaching camp on Ranjeet Singh Kohli.
Ext. VIII	Small book Tarkib-e-Namaz.
Ext. VIII/1	Envelope in which the small book Tarkib-e-Namaz kept.
Ext. IX & X	Two invitation of Dawat-e-Iftar dt. 02.08.2013 and 26.07.2013.
Ext. XI	Box of Shilajit and Ashwagandha.
Ext. XI/1	Packet in which the Mat. Ext. XI kept.
Ext. XII to XII/3	Four photograph.
Ext. XIII	Beacon light (yellow light)

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Ext. XIV	C.D. produced by PW-24.
Ext. XIV/1	The jewel box of C.D.
Ext. XV	Camera of Sony.
Ext. XV/1	The memory card attached with camera.
Ext. XV/2 & XV/3	DVD- 1 and DVD- 2.
Ext. XV/4	Plastic Jewel Box of DVDs.
Ext. XV/5	On black bag of camera.
Ext. XV/6 & XV/7	Two white cloth.
Ext. XVI	C.D. kept in a box.

7. The evidence of the prosecution was closed on dated- **25.02.2023** and the statements u/s 313 Cr.P.C. of the accused persons were recorded on dated **14.03.2023**. The denial of the levelled charges and plea of innocence is the defence of the above accused persons during recording of their statements u/s 313 Cr.P.C. and the accused persons had pleaded for chance to produce defence evidence. The accused Ranjeet Singh Kohli has produced **four** witnesses in his defence, the witnesses are :

D.W. 1	Sachin Kumar	Assistant, Office of SDO, Sadar, Ranchi
D.W. 2	Mustaque Alam	President, District Unit Jharkhand Mukti Morcha, Ranchi
D.W. 3	Nirbhay Kumar Sinha	Nodal Officer, Bharti Airtel Ltd., Jharkhand
D.W. 4	Madhumita Gupta	Nodal Officer, Eastern Zone, Reliance Communication Ltd.

8. The accused has brought following documents on record during defence evidence :

Ext. A	Certified copy of judgment in Original (M) Suit No. 15/2017
Ext. B	Certified copy of decree of Original (M) Suit No. 15/2017
Ext. C	Yellow envelope bearing reference no. 282 dt. 09.06.2016.

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Ext. D	Counter reply filed by CBI to application of victim for recording statement u/s 164 Cr.P.C.
Ext. E	Ten photographs combined from SI. No. 1 to 10
Ext. F	Aadhar Card No. 821579999408 of Ranjeet Singh Kohli.
Ext. G	PAN Card No. AIWPK9899F of Ranjeet Singh Kohli.
Ext. H	Letter No. 117 dt. 03.08.2019 along with inventory in four sheet
Ext. I	Page No. 4 of Prabhat Khabar of Article "Dawat-e-Iftar" of dt. 20.04.2023 with picture.
Ext. J	Certificate of 65-B of Indian Evidence Act dated 17.06.2023.
Ext. J/1	Customer Application Form for Airtel Mobile No. 7739099216 of Ranjeet Singh Kohli
Ext. J/2	Certified xerox copy of D.L. of Ranjeet Singh Kohli.
Ext. K	Authority letter Reliance Communication dated 19.11.2020.
Ext. L & L/1	Call Data Records issued for mobile numbers 9334189468 and 9304683846 issued from Reliance Communications Ltd. with certificate u/s 65B of Indian Evidence Act

9. Now, the main point for consideration before me is that as to whether the prosecution has been able to bring home the charges as levelled against the accused persons beyond shadow of all reasonable doubts or not?

FINDINGS

10. Heard both the sides.

(a) Argument on behalf of Ranjeet Singh Kohli and Kaushal Rani :-

It is submitted by their Ld Counsel that both the accused have been falsely implicated in this case. The accused persons namely Ranjeet Singh Kohli and Kaushal Rani are facing trial for the case originally lodged under section 498-A of the IPC by the prosecutrix, then wife of accused Ranjeet Singh Kohli registered by Hindpidi P.S. Ranchi against Ranjeet Singh Kohli and Kaushal Rani and the Investigating Officer of Kotwali-Hindpidi P.S. Ranchi submitted charge sheet u/s

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498(A) of the IPC bearing no- 911/2014 on 23-10-2014 against both the accused and charge was explained and the prosecution has examined altogether 11 (Eleven) prosecution witnesses before the learned Court of Chief Judicial Magistrate, Ranchi. The prosecutrix has not examined, despite of lots of adjournment allowed by the trial court. It is further argued that the Kotwali Hindpidi P. S. Case No.- 742/2014 was registered by C.B.I on 10-08-2015, being CBI Case No.- RC 9 (S)/2015 under Section 498 (A) of I.P.C with added Section 153(A) and 295(A) of IPC against accused Ranjeet Singh Kohli and Kaushal Rani for further investigation in compliance of order dated 22-05-2015 in Writ Petition (PIL) no.- 4400 of 2014 by the Hon'ble High Court of Jharkhand in pursuance of notification dated 30-08-2014 issued by the Home Department Govt. of Jharkhand and dated 25-11-2014 issued by Government of India, New Delhi and after investigation the supplementary charge sheet has been submitted by CBI on dated 12-05-2017 against accused Ranjeet Singh Kohli, Kaushal Rani and Mushtaque Ahmad u/s 120B /496/376/323/298/354(A)/506/498(A) of the IPC and substantive offences there off. Further, after committing Ld. Court of Spl Judicial Magistrate CBI, Ranchi, the case is converted into Session Trial Case No.- 554/2017 and the additional charges have been framed by the Ld. Court of Additional Judicial Commissioner-III-cum-Special Judge CBI, Ranchi on dated 02-07-2018 against Ranjeet Singh Kohli and others u/s 120B/496/376/323/298/506/498(A) of the Indian Penal Code and substantive offences. Further, prosecution has examined altogether 26

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(Twenty Six) prosecution witnesses. It is further submitted that the Fardbayan (Ext.- 5) of the informant has recorded by Smt. Deepika Parsad, then Sub-Inspector of Mahila P.S., Ranchi and alleging there in:

(A) The marriage between Ranjeet Singh Kohli and prosecutrix solemnized in accordance with Hindu rituals and customs on 07-07-2014 at Ranchi and they started living together as husband and wife. (B) On very next day on dated 08-07-2014 Nikah was performed by calling one Kaazi between Prosecutrix and Ranjeet Singh Kohli saying that he would not become her husband till the performance of Nikah. (C) On dated 13-08-2014 at evening the husband Ranjeet Singh Kohli slapped his wife nearby left ear, which has caused Swollen and pain on her left ear. Further alleged that she was physically assaulted, which caused swollen in left part of her head and further assaulted in her breast by elbow and threatened that if communicating this thing of assault to her parents he shall arrange to kill them and on being scared she was not communicating her parents. (D) It is further alleged that wasted food was served in said period and dog bites was preferred to her and smokes ash after physical assault, he used to prefer physical relation with her. (E) That on dated 19-08-2014 when husband was not present at residence then she was telephonically informed to her parents, who brought the Police there. (F) The petitioner states that the Fardbayan (Ext. 5) recorded by Deepika Parsad (then Sub Inspector of Mahila Police Station Ranchi) on 19-08-2014 is suspicious and falsifies, which proved by P.W-4 herself vide para no.- 171, 177, 181, 186, 191. The accused further

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states that Deepika Parsad (P.W.-10) has never stated that on 19-08-2014 or any other date the informant has stated that on 08-07-2014 any *Nikah* was performed with accused Ranjeet Singh Kohli. It is argued that in view of above facts and circumstances of the case it clearly goes to show that *fardbeyan* is suspicious, false and fabricated. It is further argued that the informant (P.W. 4) has never stated in her cross-examination that Ranjeet Singh Kohli has called any Kaazi on 08-07- 2014 for performing any *Nikah* vide Para no. 172, 173, 174, 175 of PW 4. The petitioner states that Sri Mohammad Faruque (then Officer Incharge of Hindpidi P.S. Ranchi) (P.W.-23) has never stated that the alleged *Nikah* was performed on dated 08-07-2014. In view of above facts and circumstances of the case it clearly goes to show that *fardbeyan* (Ext-5) is suspicious, false and fabricated paper. It is further argued that the charge u/s 120-B I.P.C is not made out against the accused Ranjeet Singh Kohli and Kaushal Rani, that informant (PW-4) has created false story that introduction and proposal of marriage was given with Mushtaque Ahmed and Kaushal Rani. It is further submitted that the date of "Sagai" with accused Ranjeet Singh Kohli was on 20-06-2014 vide Para No - 89 of the P.W-4. It is argued that no any single relatives or friends or any independent witnesses has heard or seen at any date that Ranjeet Singh Kohli introduced to PW-4 to Kaushal Rani and Mushtaque Ahmad. Further, no any single witnesses or relatives or friends or any independent witnesses has ever heard or seen that Ranjeet Singh Kohli has given the proposal of marriage to the informant or his friends or relatives. It is stated that informant has given

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false statement before the court in her evidence, in which she stated that the shooting camp was organized by Sports Authority of Jharkhand from 30-05-2014 to 15-06-2014, on the other hand, the informant has stated in her cross-examination that the shooting camp was organized in the month of May, 2014 only for 15 days vide Para-82. It is stated that the PW-26 (Seema Pahuja, Investigating Officer of the C.B.I) has also not supported to the PW-4 regarding date of Shooting Camp organized. It is further stated that P.W-2 Kundan Kumar Sao (Stadium Manager of Khelgaon) has also never stated in his statement, that the closing ceremony of shooting summer camp was on 15-06-2014. The learned counsel further states that the Jija of the informant namely Nishant Singh as P.W- 1 has deposed that before 15-06-2014, the informant wants to "Sagai" and marry with Ranjeet Singh Kohli vide his Para 29 of the deposition. In the same way Ravi Kumar Sharma (friend of the informant) as PW-3 has clearly stated in his evidence that informant was stated him and PW-1 (Nishant Singh) and all the friends of informant before 15-06-2014 that informant wants to marry with Ranjeet Singh Kohli. Further, Lal Ambika Nath Sahdeo, who is PW-21 has stated that he has first met and seen Ranjeet Singh Kohli, Kaushal Rani and Mushtaque Ahmad on 20-06-2014 on the date of "Sagai" and he never stated that Ranjeet Singh Kohli and Kaushal Rani, given proposal of the marriage with informant up to 20-06-2014. It is further submitted that Dwed Nath Sahdeo (brother of the informant) who has examined as P.W.-13 has never stated before police and before learned Court of Chief Judicial Magistrate, Ranchi in

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earlier registered Kotwali Hindpidi P.S. Case No- 742/2014, that he went to R-4-D Blair Apartment, Main Road, Ranchi, house of the accused on 15-06-2014. It is further argued that P.W-13 never stated that on 15-06-2014 he visited to the house of accused Ranjeet Singh Kohli. It is argued that P.W-1, PW-3, P.W-21, P.W- 15 and P.W-16 have never stated that the proposal of the marriage was given by accused Raneet Singh Kohli. It is highlighted by the defence that P.W-4 has clearly stated that Ranjeet Singh Kohli or Kaushal Rani has never went to house of the informant up to 20-06-2014 (the date of "Sagai"). Further, PW-13 states in Para No.- 26 that the accused Ranjeet Singh Kohli or Kaushal Rani have never given the proposal of marriage. In this regard para no.- 211, 212, 203, 204, 205, 218 of P.W-26 are also relevant. It is further stated that the P.W-13 has deposed that he first meet with Ranjeet Singh Kohli in the month of June, 2014, vide his para no.- 27. It is further deposed by the informant that she has first meet with Mushtaque Ahmad in the month of June, 2014 vide Para No.- 135 and 136 of her deposition. It is further stated that the informant meets with Ranjeet Singh Kohli in the month of May 2014 vide 1st and 2nd question of page no – 67. It is further argued that the PW-1, P.W-3, PW-4, P.W-13, P.W-15, P.W-16 and P.W-21 have never stated that Ranjeet Singh Kohli has given the proposal of marriage with the informant to any person. Further, it is falsely stated that on 15-06-2014 her father (P.W-21) was physically present at Patna, on the other hand PW-21 father was physically present at Ranchi vide his Para 35. It is further argued that in view of the facts and circumstances of the case

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informant herself wants to marry with Ranjeet Singh Kohli and the said accused has never stated by his own mouth to any person that he wants to marry with informant at any date and said accused has never given any flight ticket on any date to the informant vide last question of page no.- 192 and 363 of P.W-4. It is further argued that vide last question of page no.- 207 and first question of page no- 210 of P W- 4 in which accused Ranjeet Singh Kohli did not speak from his mouth at any date, any time or any place that Mushtaque Ahmad is his guardian. In view of above facts and circumstances of the case Section 120-B IPC is not made out against the Ranjeet Singh Kohli and Kaushal Rani. It is further argued that charge u/s 496 of the I.P.C. is also not made out against Ranjeet Singh Kohli and his mother Kaushal Rani, as vide last question of page no. 38 of P.W-4 in which she has stated that before marriage she and her relatives and her friends has verified the religion and the occupation and financial and social status of Ranjeet Singh Kohli. Further, vide Para 39 of P.W. 13 Dwednath Sahdeo, brother of the informant has stated that he went to Patna on 09.06.2014 and he verified all the information regarding Ranjeet Singh Kohli before the marriage. It is further argued that vide Para 29 of P.W. 21, Lal Ambikanath Sahdeo has also stated that before marriage he has verified the character, religion, caste of Ranjeet Singh Kohli. Further, vide last question of Page No. 40 of P.W-4 wherein she has stated that the marriage was solemnized with consent of informant and both side of family members. Further, P.W. 21 Lal Ambikanath Sahdeo, father of the informant has earlier admitted before the Court of

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Chief Judicial Magistrate, Ranchi in his examination vide Para No. 4 as PW. 1 that the marriage was valid/legal and the said witness has earlier admitted before the Chief Judicial Magistrate, Ranchi in his cross examination vide Para No. 10 as PW. 1 that he had no objection for the marriage which was performed at Radisson Blue Hotel, Ranchi. Further, vide 2nd question of P.W. 4 at Page No. 39, she has stated that she knows that Ranjeet Singh Kohli belong to Punjabi Sikh Khatri and she has clearly stated that on 20.06.2014 the "Sagai" between Ranjeet Singh Kohli and her was solemnized in accordance with Hindu rituals and customs in presence of both side family members at R-4D Blair Apartment, Main Road, Ranchi vide her Para No. 89. Further, she has clearly stated that on 07.07.2014 the marriage between Ranjeet Singh Kohli and her was solemnized in accordance with Hindu rituals and customs at Radisson Blue Hotel, Ranchi in presence of family members of both sides and respectable people of the society. It is argued further that vide Para No.10 of P.W.13 Dwednath Sahdeo brother of the informant has stated that on 07.07.2014 the marriage between Ranjeet Singh Kohli and XYZ was solemnized in accordance with Hindu rituals and customs and also vide Para No. 2 of PW. 21 Shri Lal Ambikanath Sahdeo. It is further submitted that on 07.07.2014 at the time of marriage, all rituals and customs were followed by Ranjeet Singh Kohli on the direction of Sri Lalu Pandit Ji, Ranchi called by informant and family members of the informant and marriage customs and rituals were performed as per rituals of informant. The above facts are supported by

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P.W. 26 (I.O. C.B.I.) vide Para No. 201 and Para No. 208 of her deposition. It is further stated that vide section 7(1) of the Hindu Marriage Act, 1955 a Hindu Marriage may be solemnized in accordance with customary rites and ceremonies of either party thereto and the marriage between Ranjeet Singh Kohli and XYZ was solemnized in accordance with Hindu rituals and customs. It is further stated that the validity of the marriage and religion of Ranjeet Singh Kohli is already decided by the Hon'ble Family Court, Ranchi vide Ext-A in which the court has found that the marriage on 07-07-2014 between Ranjeet Singh Kohli and XYZ was solemnized in accordance with Hindu rituals and Customs and the above marriage is valid Hindu Marriage and the court has also found that Ranjeet Singh Kohli belong to Punjabi Sikh Khatri religion vide issue No. IV of the Judgment and held that no credible, trustworthy, documentary evidence has been produced before the court to prove and established the he is not Hindu. In absence any such proof, it cannot be said that there had been any concealment to material fact regarding religion of the respondent. In the light of above discussion, it is held that the marriage between the parties was a valid Hindu Marriage and it cannot be treated voidable on the ground under Section 12(1)(C) of Hindu Marriage Act, 1955 and no decree of nullity can be passed. It is stated on behalf of accused that vide Sec. 42 of the Indian Evidence Act, that Issue No. (IV) of Ext- A and the finding of the Hon'ble Family Court, Ranchi is relevant in this case. It is further stated that vide Para No. 19 of P.W. 11 Dukhharan Tana Bhagat, the Sub Inspector of Kotwali, Hindpidi

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P.S. Ranchi cum 1st Investigation Officer of case No. 742 of 2014 has stated that Ranjeet Singh Kohli belongs to Punjabi Sikh Khatri religion and vide Para No. 153 and 154 of P.W. 26 (I.O. C.B.I.) has stated that Ranjeet Singh Kohli belongs to Punjabi Sikh Khatri community. It is further stated that vide Ext- "G" (PAN card of Ranjeet Singh Kohli) and vide Ext-F (Aadhar Card of Ranjeet Singh Kohli), that Ranjeet Singh Kohli has no any alias name. In view of the above facts and circumstances of the case section 496 of the I.P.C. is not made out against Ranjeet Singh Kohli and Kaushal Rani. Further, it is argued that Section 376 of I.P.C. is not made out against Ranjeet Singh Kohli, the accused has submitted that the marriage between him and prosecutrix was solemnized in accordance with "Hindu Rituals and Customs" in the presence of both side of Family members, friends and respectable people and all the rituals followed on 07.07.2014 on the direction Sri Lalu Pandit Jee of informant side vide Para 201 and 208 of P.W. 26. It is further stated that it is clearly decided by the Hon'ble Family Court that the marriage between Ranjeet Singh Kohli and XYZ was valid Hindu Marriage and Ranjeet Singh Kohli has never concealed the religion at any time as such the legal character of the marriage between Ranjeet Singh Kohli and XYZ was valid Hindu Marriage. It is argued on behalf of the A-1 that charge u/s 376 IPC has been framed after more than 4 years from the date of registration of the F.I.R. No. 742/2014 of Kotwali Hindpidi P.S. Ranchi which was registered under section 498(A) of I.P.C. and it is stated that earlier the Chief Judicial Magistrate, Ranchi has never

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found the allegation u/s 376 of I.P.C. against the accused persons at the time of framing of charge on 15.12.2014. It is further stated that as per Exception 2 of Sec. 375 of I.P.C. "Sexual Intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age is not rape. Here the informant has given false and vague statement in Para No. 35 as PW-4 that Ranjeet Singh Kohli had forcibly raped her on gunpoint on the other hand she (informant) had admitted in her cross-examination that she (PW. 4) has never stated that accused (ex-husband of informant) had forcibly raped her on gunpoint in her fardbeyan/police statement U/s 161 Cr.PC./1st 164 Cr.PC. statement on 21.08.2014 recorded by the Chief Judicial Magistrate, Ranchi and C.B.I in her statement u/s 161 Cr.P.C. on dated 11.09.2015, 07.06.2016, 19.11.2015, 13.11.2016 06.05.2016, Para No. 112/113/114/115 and vide 1st question of page no. 136 and vide 2nd question of Page No. 137 of and vide Para No. 349 of P.W. 4. It is further stated that the informant P.W. 4 has given false and vague statement in para no. 43 that her Ex- husband committed unnatural sexual intercourse at gunpoint, on the other hand informant had admitted in her cross examination that she has never stated that the accused (Ex-husband of Informant) had committed unnatural sexual intercourse at gunpoint with her in fardbeyan/Police statement under 161 Cr.PC./1st 164 Cr.P.C. statement on 21.08.2014 recorded by the Chief Judicial Magistrate, Ranchi and C.B.I in her statement under section 161 Cr.P.C. It is stated that vide Ext. 9 (2nd Medical Examination Report of prosecutrix) prepared by P W. 8 (Dr. Neha Pirthi) it has been admitted by

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the informant that she had made physical relation two years before from the date of said Medical Examination and the informant has clearly stated in her cross-examination that on 07.06.2016 she has given the information regarding sexual relation/and sexual act to Dr. Neha Pirthi (P.W. 8) is correct vide 3rd question and answer of Page 103 of P.W.-4. Further, P.W-13 Dwednath Sahdeo (brother of the informant has admitted that he has never stated before in his statements under section 161 of Cr.P.C. and court of Chief Judicial Magistrate u/s 161 of the Cr.P.C. recorded by C.B.I. that Ranjeet Singh Kohli has committed unnatural sexual intercourse on gun point with the informant vide Para-46 of PW-13. In view of aforesaid facts and circumstances of the case Section 376 of I.P.C. is not made out against Ranjeet Singh Kohli. It is further stated that the informant (PW-4) has given false statements regarding alleged *Nikah* and conversion of religion vide Para No.26 in which the informant alleged that on 08-07-2014 she (P.W.-4) wake up at her Sasural in the morning and thereafter she saw the symbol of Allah and photo/picture of Makka Madina instead of Hindu God which was not before there and further alleged that Ranjeet Singh Kohli and mother of Ranjeet Singh Kohli has stated to the informant that they are Muslim and from today she too have to live like this. On the other hand, PW.- 11 Dukhharan Tana Bhagat then Sub Inspector of Kotwali Hindpidi P.S. Ranchi cum 1st investigating officer of Kotwali Hindpidi P.S. Case No. 742 of 2014 has stated that the Informant (P W 4) has never stated in her statement u/s 161 of the Cr.PC. the above statements vide Para No. 53 of PW - 11 and

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also PW- 26 (Smt. Seema Pahuja I.O. C.BI) has stated that the informant has never stated in her statements that on 08-07-2014 when she wake up at Sasural in the morning thereafter (P.W.- 4) saw the symbol of Allah and Photo/picture of Makka Madina in the place of Hindu God which were not before there and Ranjeet Singh Kohli (Ex-husband of the informant) and mother of Ranjeet Singh Kohli has stated to informant that they are Muslims and from that day she had to live like this vide Para No. 219 of P.W.-26. It is submitted that the informant has admitted that she has saw the Photo/Picture of Gods and Goddess belong to Hindu religion at R-4 D Blair Apartment, Main Road, Ranchi (then Sasural of Informant) but she remembers only the Photo/Picture of "OM" and Picture Photo of Lord Shiva vide her Para No 388. It is further stated that the house of Ranjeet Singh Kohli, R-4 D Blair Apartment, Main Road, Ranchi has already searched and sealed on 25-08-2014 by Kotwali Hindpidi PS. Ranchi in the presence of Sri Shilwant Kumar, then Additional Collector, Ranchi in connection with Kotwali Hindipiri P.S.Case No- 742 of 2014 and police has never found any picture of Makka Madina and any Symbol of Allah vide Para No- 20 of PW- 11 Sri Dukhhran Tana Bhagat then Sub-Inspector, Kotwali Hindpidi P.S.Ranchi cum investigating officer of the case. Further, on 30-08-2014 Kotwali Hindpidi P.S. Ranchi has never found any symbol of Allah and picture/photo of Makka Madina. Further, vide Ext-H, the inventory prepared in presence of Sri Rakesh Ranjan Oraon, then Executive Magistrate, Ranchi by order of then Sub Divisional Officer Ranchi cum

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Rent Controller, Ranchi in which the symbol of Allah and picture/photo of Makka Madina has never recovered by Shri Rakesh Ranjan Oraon then Executive Magistrate Ranchi from R4D Apartment Main Road Ranchi. It is stated that vide Para No- 27/28/29/30/31/32 of PW- 4 in which she has alleged that on 08-07-2014 Ranjeet Singh Kohli has told to the informant that you will not get the status of wife until three times say Kabool - Kabool - Kabool and performed Nikah and other allegations are totally false and baseless. That on the other hand, PW- 4 has clearly stated in her cross examination that on 08-07-2014 Kaazi did not ask name and father's name of her and Ranjeet Singh Kohli during or before alleged Nikah. Further, vide Para No- 5 of PW-6 in which Kaazi Jaan Mohammad Mushtafi has clearly stated that he has never performed any Nikah. It is stated that vide Para No. - 14, 15 and 16 of PW- 6 in which Kaazi Jaan Mohammad Mushtafi has stated that he reached at Blair Apartment on 08-07-2017 at 06:10 P.M. Further, vide Para No. 31 of P.W.- 6 in which Kaazi Jaan Mohammad Mushtafi has stated that he never knows the original name of Sara Parween. It is stated that vide Para No. 33 of P.W. 17, Hassimuddin Ahmed Zuberi in which he has stated that on 08-07-2014 he never seen any women with his own eyes at R- 4 D Blair Apartment Main Road Ranchi. It is further argued that vide Para No.-39 of Hassimuddin Ahmed Zuberi P.W.-17, he has stated that Maulana is called for blessing on marriage or auspicious time. It is submitted that Hassimuddin Ahmed Zuberi has declared Hostile on the allegation of Nikah. It is further submitted that vide Para No. 64 of the

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Lal Ambika Nath Sahdeo (P.W. 21) father of the informant has stated that he is not an eyewitness of the allegation of Physical torture, and allegation of conversion and the allegation of Nikah of the informant. Further, vide deposition of Ravindra Mehta PW-14, in which she has never stated any single word of Nikah or any allegation alleged by the Informant. It is submitted that in view of aforesaid facts and circumstances of the case the allegation of Nikah or any type of conversion or any type of torture to informant by Ranjeet Singh Kohli and Kaushal Rani is baseless and vague. Further, vide Para No. 37 of the informant in which she (P W. 4) has alleged that after few days of the marriage one day in the evening hours when the bell rang of the gate because servant was not there then Kaushal Rani told her (P.W.-4) to open the gate and when she opened the gate a man told her that he had come from Minister Haazi Hussain Ansari's place for the serving Iftar Party card for Rakibul Hassan Saheb on which she (P.W. 4) told him that no Rakibul Hassan lives here. As such the Informant has herself admitted that she has never heard or seen any alleged name Rakibul Hassan on dated 08-07-2014 or after some days of marriage. It is also falsely alleged in Para No. 37 of P.W- 4 that Kaushal Rani voice came from behind and scolded her and said that this alleged card came for her son and husband of the informant. Further, vide Para No. 310 in which P.W-4 has stated that she has never stated in her statement U/s 161 Cr.P.C. recorded by C.B.I. on 11-09-2015/ 19-11-2015/ 06-05-2016/07-06-2016/ 13-11-2016 that any person has told to the informant at any date at any time any place

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that name of the Ranjeet Singh Kohli is Rakibul Khan. Further, vide para no. 311, PW-4 has admitted that never mentioned the address of Ranjeet Singh Kohli or Kaushal Rani over Ext-4 and 4/1 and further admitted that Ext. 4 and 4/1 were seized by the C.B.I. from the house of the Informant. It is argued by the accused persons that it is crystal clear that Ext. 4 and 4/1 are never recovered from the house of Ranjeet Singh Kohli as per para No. 311 of Informant and also Ext. 6 and 7 (the alleged card of Iftar Party) has never recovered from the house of Ranjeet Singh Kohli during investigation by C.B.I. vide Para 1 to Para 18 of PW. 19 Anup G. Phillip (seizure witness of C.B.I) in which the witness has never exhibited any single card of Iftar Party which Haazi Hussain Ansari sent to alleged name Rakibul Khan or any alleged name Rakibul Hassan. It is further stated that DW-2 Md. Mushtaque Alam has examined and never stated that Material Ext-IX has sent by then Chief Minister of Jharkhand namely Mr Hemant Soren to alleged name Rakibul Khan Saheb vide Para no. 3/4/5 of DW-2. Further, vide Para. 6 of Ashish Kumar Singh (PW-20 and seizure witness) has stated that on 12-09-2015 he has never seen any materials seized by C.B.I. from the house of Ranjeet Singh Kohli and he has never identified the Ext. 6 and Ext. 7 (the alleged card of Iftar Party). The C.B.I. has never found and never taken any statements of a person (unknown) regarding alleged by the informant in her Para-37, who allegedly came to the house of Ranjeet Singh Kohli and given the alleged Ext.6 and Ext.7 (alleged card of Iftar Party). Further, vide Para. 12 of P.W.-25 Kiran Devi, she has stated that mother of Kiran Devi namely

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Kaushal Rani worships Maa Durga, Kali Maa and Sai Baba and vide Para No.14 she has stated that in the year 2014 Ranjeet Singh Kohli had given Iftar Party and brought Topi, Gamcha for the guest who came to the Iftar Party. It is further argued that vide Ext-I article Dawat-E-Iftar of dated on 20-04-2023 with picture of Sri Hemant Soren, then Chief Minister of Jharkhand has organized the Iftar Party, the Ld. Counsel states that any Hindu can also organized Iftar Party because everyone in India lives together. Further, none of the witness has stated that Ranjeet Singh Kohli used to wear alleged round cap on his head or use any alleged "Gamcha" and performed reading/Namaz and no any single witness has ever supported regarding circumcision of Ranjeet Singh Kohli and no any single witnesses has seen that at any date/ at any time Ranjeet Singh Kohli went for Haz purpose to any place. Further, vide Para- 228 of the P.W.-26 (I.O. of C.B.I.) she has clearly stated that during investigation by C.B.I. she has never found any conversion certificate of any person, which issues by Government of India or issued by State Government or Hon'ble Court. The accused had argued that in view of aforesaid facts and circumstances of the case the allegation of adopting Muslim faith by Ranjeet Singh Kohli is totally false and baseless. The accused states that he has never convert by any manner to any other religion. Ranjeet Singh Kohli by birth belongs to Punjabi Sikh Khatri religion and he always respect others religion as because by birth teach by Sikh religion. Further, it is argued that vide alleged material Ext No.- II and II/1 (SDHD 8 GB Sandisk memory card), that vide the section 65-B of Indian Evidence Act

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in which clearly mentioned that there is requirement of the certificate u/s 65-B of Indian Evidence Act of every electronic record, and the material Ext II / II/1 are electronic record. On the other hand, vide Para- 11 of P.W.-18 Shri Pradeep Kumar Gautam, he has clearly admitted and stated that he has never submitted any certificate under section 65-B of Indian Evidence Act regarding Ext. II and II/1 (the alleged memory card) and PW- 18 has also admitted that he has never given any affidavit regarding no tempering with this memory card (Material Ext- II/II/1). The defence side has referred the decision of Harpal Singh Bundela & another vs State of M.P, Criminal Appeal No. 896 & 1022 of 2017 (Jabalpur) decided in 06 September 2017 at Hon'ble High Court of Madhya Pradesh. In view of aforesaid facts and circumstances of the case Material Ext- II / II/1 can never used as evidence against any person without any certificate under section 65-B of Indian Evidence Act. It is further submitted that vide Para No-40 and 41 of PW-4 in which the informant has alleged that after marriage she went to the house of Mushtaque Ahmad with Ranjeet Singh Kohli, whereas at the time of cross examination of PW-4 has admitted and stated that she has never stated in her F.I.R and never stated in her statement U/s 161 of the Cr.PC. recorded by police and never stated before the Judicial Magistrate at Ranchi on 21-08-2014 in her statement U/s 164 of the Cr.P.C. and never stated in her statements U/s 161 of the Cr.PC. recorded by C.B.I. on 11-09-2015/ 19-11-2015/ 06-05-2016 / 07-06-2016 that after marriage she went to the house of Md. Mushtaque Ahmad with Ranjeet Singh Kohli. She has further admitted that vide 2nd

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question of page no-141 in which she has clearly stated that she has never stated before the Metropolitan Magistrate, Mahila Court, Saket, New Delhi on 09-06-2016 in her 2nd statement of 164 Cr.PC that she went to the house of Mushtaque Ahmad with Ranjeet Singh Kohli at any date/ any time. Further, vide Para-161 of PW-26, who has clearly stated that she has never found any independent witness during investigation who saw Ranjeet Singh Kohli at the house of Md. Mushtaque Ahmad during 07-07-2014 to 19-08-2014. Further, vide Para-6 and 7 of the PW-24 Sri R.K Srivastava, Principal Scientific Officer (Ball) at CFSL, Delhi in which he has clearly stated that only still photographs of friends and family was found from memory stick. As such in view of the aforesaid facts and circumstances of the case section 120-B read with section 354-A I.P.C. is not made out against the Ranjeet Singh Kohli or against any accused. It is further stated that Informant resided at R-4 D, Blair Apartment, Main Road, Ranchi from 07-07-2014 to 19-08-2014 and during above period she continuously talked with her friends and family members vide her Para-141, in which the informant clearly stated that she has not remember the Mobile No. 7739099216 but Ranjeet Singh Kohli given the mobile phone after the marriage. Further, as per Para 63 of the P.W-13 brother of the informant has clearly stated that it is true that from 07-07-2014 to 19-08-2014 he uses to talk P.W-4 (informant) on phone at every gap of one or two days and the same is also proved by the call details submitted by the defence. It is further stated that vide Ext J and J/1 (customer application form of mobile no- 7739099216) in the name

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of Ranjeet Singh Kohli is used by P.W.4 (informant) and she has admitted that one mobile number given by Ranjeet Singh Kohli after the marriage. The said fact is also apparent vide different pages of Ext-L/1. The said document is able to show that P.W-13 Dwednath Sahdeo, brother of the informant has called to informant several times and she has made calls to her brother Dwednath Sahdeo several times. The Ext- L/1 (call details report of mobile no.- 9304683846) along with certificate under section 65(B) of Indian Evidence Act issued and proved by (DW.-4) Smt. Madhumita Gupta, Nodal Officer of Reliance Communication Limited/ Reliance Telecom Limited on behalf of M/s Reliance Communication Limited. Further, Ext J (certificate under section 65-B of Indian Evidence Act) issued and duly proved by (D.W- 3) Nodal Officer of Bharti Airtel Limited Jharkhand on behalf on Bharti Airtel Limited in connection with mobile no.- 7739099216 (Exhibit J/1). It is argued that during period of stay at her matrimonial house the informant was in continuous touch with her maternal family and not only she visited her father's house on occasion of Rakshabandhan but her Mausi Kamini Singh and brother Dwed Nath Sahdeo had visited her matrimonial house and in view of the aforesaid facts and circumstances it is crystal clear that informant was regularly in touch with her family members by way of mobile phone and also physically from 07-07-2014 (the date of marriage) to 19-08-2014 (the date of registration of the F.I.R. No- 742 of 2014). The defence states that the above false and vague story and statement of prosecution side, itself falsifies the allegation of any type of torture against any accused

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persons. The informant has never lodged any FIR or complaint against any accused persons at the time of her stay at Maika from 10-08-2014 to 12-08-2014. It is argued that Poonam Devi P W-16 has clearly stated that Ranjeet Singh Kohli has never physically tortured or behave indecently with informant in the presence of Poonam Devi. Further, vide Para No. 13 of P.W.-13 Dwednath Sahdeo, brother of the informant in which he has stated that the first information of the alleged torture was received by way of hand note written by the informant which was kept in red Almira at Maika of informant, informed by Poonam Devi over mobile phone on 13-08-2014. On the other hand, informant has never stated in her single para of examination-in-chief that any date, any time, any place she has written any hand note regarding any type of torture by any accused persons. Further, PW. 26 (I.O. of C.B.I.) clearly stated that she knows that O.P.D. number has mentioned to every outdoor patient and vide Para No-234 the P.W. 26 (I.O. C.B.I.) she has again admitted that O.P.D. number is not mentioned over Ext-8 (alleged injury report). Further, vide Para No. 27 of P.W.-7 Dr. Vijay Bihari Prasad it has clearly stated that the alleged injuries (Ext-8) can also occur due to falling on earth. The evidence of P.W.7 is sufficient enough to falsify the allegation of physical torture by any Ranjeet Singh Kohli or Kaushal Rani as because the age of injury according to Ext- 8 is above one week from the date of medical examination report (before 12-08-2014) and informant (P.W-4) has stayed at her Maika on 12-08-2014. In view of the aforesaid facts and circumstances of the case section 323 of the I.P.C. and section 498A of

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I.P.C. is not made out against Ranjeet Singh Kohli or any other accused persons. Further, informant had never stated before any agency or her statement u/s 164 Cr.P.C. that any of the accused had threaten her in any manner on any date. Further, vide Para No. 57 of the P.W-13 Dwednath Sahdeo, brother of the informant has admitted/ stated that he has never stated before the C.B.I. in his statement under section 161 of the Cr.P.C. that any date Ranjeet Singh Kohli threatened to the informant regarding implicating in false case. In view of the aforesaid facts and circumstances of the case section 506 of the I.P.C. is not made out against Ranjeet Singh Kohli and Kaushal Rani. Further, the P.W.-17 has stated that he has never found any eye witnesses during investigation regarding the allegation of "Nikah" and allegation of any conversion and the allegation of any physical torture. It is stated that in view of the aforesaid facts and circumstances no offence of u/s 298 I.P.C. is not made out against the Ranjeet Singh Kohli and Kaushal Rani. Accordingly, it is prayed on behalf of the accused namely Ranjeet Singh Kohli and Kaushal Rani may be acquitted from all the the charges labeled by the prosecution against them.

(b) Arguments on behalf of Md. Mustaque Ahmad :-

It is argued on behalf of the accused that he has been booked in this case without any fault and compelled to face long trial mere due to false implications. The informant has never taken his name as participant of crime till the case was in the hand of state police. Even the prosecutrix has praised him on several occasion but all of sudden she came under

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influence of some interested persons and changed her stance against the present accused and levelled several nasty allegations, which can not be believed. There is nothing in fardbeyan and 1st statement u/s 164 Cr.P.C. dated 21.8.2014 of informant making case u/s 120B IPC, not supported by Independent witness, rather informant herself informed her readiness and desire and willingness to marry with Ranjeet Singh Kohli to the witness Ravi Kumar (PW3) who in para 51 and 52 of his deposition specifically deposed that the prosecutrix told her that she is going to marry with Ranjeet Singh Kohli. Similarly, PW Nishant in para-3 specifically deposed that prosecutrix told them that she is going to marry with Ranjeet Kohli. It is argued that as per the desire of the informant to marry with Ranjeet Singh Kohli the marriage was settled and later on solemnized. The first I.O. PW 11, in para 77 has deposed that Mausa of the informant stated before him that having seen intimacy of the informant with Ranjeet Singh Kohli they arranged their marriage. In para 205 of the PW 26 it came that witness Nishant has stated before her that informant told them that she wants to marry with Ranjeet Kohli. It is further argued that in the 1st statement recorded u/s 164 Cr.P.C. of the informant on dated 21.8.2014, it was came that when Kohli's mother proposed for marriage, except Md. Mushtaque Ahmad all had supported, he told it would be better to do all in presence of the father of informant. It is relevant to mention here that before 15.6.2014, on 10.6.2014 itself informant's family had decided to marry with Ranjeet Kohli and fixed the date of engagement on 20-6-2014 which is quite apparent from the

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statements of family members of the informant. It is wrong to say that on persuasion by Md. Mushtaque Ahmad the informant and her family members had become ready for the marriage. The PW-13 at para 130 states that Ranjeet Singh Kohli gave them ticket for bringing their father and Mause. There is nothing in Fardbeyan, u/s 161 Cr.P.C. statement before police recorded by Dukh Haran Tanabhat and 2nd I.O. of police Harish Chandra Singh against the present accused. The PW. 22, I.O. of the police case in his statements recorded in 106, 108, 110 has deposed that during investigation there is nothing came against the accused Md. Mushtaque Ahmad, PW.11 in para 65 deposed that Md. Mushtaque Ahmad is not named in fardbeyan. The brother of informant (PW. 13), father of informant (PW21) had not alleged any thing against Md. Mushtaque Ahmad in their statements before the I.Os of the state case. The witness P.W.11 in para 86 deposed that the witness Dwed Nath Sahdeo had not stated before him that Md. Mushtaque Ahmad told that Ranjeet Singh Kohli is more than his son and he treat him like father. In para 88, the PW 11 has deposed that Dwed Nath Sahdeo has not stated before him that on 15th June 2014, the last day of camp Ranjeet Singh Kohli came and invited my sister & other at his house flat No R.D 4, Blair Apartment. It is further argued that in para 89 the PW11 has deposed that PW13 had not stated before him that on 16th June 2014 two person came at his house, handed over ticket of Patna and told Ranjeet Singh Kohli sent it for bringing father and family member and Md. Mushtaque Ahmad also talked with his father on phone. Further, in para

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92 the PW.11 deposed that PW 13 Dwed Nath Sahdeo has not stated before him that on being asked by his sister, Md. Mushtaque Ahmad told that after marriage performed as per Hindu Rituals, he has to perform Nikah according to Muslim rituals and Md. Mushtaque Ahmad called the name of his sister as Sara and on being asked by Kaazi, Md. Mushtaque Ahmad told that the girl has accepted Islam and certificate to that effect will be given to him, so he proceed, and Kaazi gave a register in which there was name of Sara Parween, seeing this his sister objected that it is not her name and she did not put her signature. Moreover PW 13 Dwed Nat Sahdeo is not an eye witness of case as apparent from his deposition of para No 111. It is further argued that PW11 Dukh Haran Tana Bhagat in his evidence has deposed in para 93 that Lal Ambika Nath Sahdeo, PW-21 has not said before him in his statement that Md. Mushtaque Ahmad negotiated the marriage of prosecutrix with Ranjeet Singh Kohli and not told that Mushtaque Ahmad is like father of Ranjeet Singh Kohli. In para 95 this witness has deposed that PW.21 Lal Ambika Nath Sahdeo has not stated before him that victim told him that Md. Mushtaque Ahmad had damaged her. It is argued that the witness said that PW-21 also not stated against Md. Mushtaque Ahmad. The witness Dukh Haran Tana Bhagat had also examined all the family members including her father, brother, Mausea etc. It is argued that Mushtaque Ahmad never introduced her with Ranjeet Singh Kohli telling that he is a successful businessman and his father was my friend. Further, Mushtaque Ahmad never told her and her brother that she may pursue education and

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shooting after marriage. Ld counsel had sated that PW-26 in para 182 deposed that brother of informant Dwed Nath Sahdeo went to Blair Apartment on 15.06.2014, along-with his sister. Further, in para-101 the PW.11 deposed that informant never said before him that on the day of closing ceremony at night Md. Mushtaque Ahmad and Ranjeet Singh Kohli called her and asked about her arrival. In para 104 this witness deposed that informant not stated before him during her statement that while informant was not accepting gift presented by mother of Ranjeet Singh Kohli, Md. Mushtaque Ahmad emotionally persuaded her to accept the gift. Further, the PW. 26 in para 58 deposed that there is no allegation against Md. Mushtaque Ahmad in the fardbeyan, in police statement, in statement dt 21.08.2014 u/s 164 Cr.P.C. This witness has deposed in para 59 that during investigation it was came to her knowledge that the said marriage was solemnized as per consent of both the parties. It is further argued that the prosecutrix had stated before I.O. that Md. Mushtaque Ahmad is not bad person. In para 73 the PW. 26 has deposed that informant in her statement dt 21.08.2014 has not stated that Md. Mushtaque Ahmad had handed over a book to her about life style of Muslims for reading. In the same para she has deposed that informant told that Giriraj Singh called to D.I.G. on 19.08.2014 who is relative of the informant. The PW. 26 in para 193 has deposed that informant has not stated in her statement dt 11.09.2015 that Md. Mushtaque Ahmad introduced her with Ranjeet Singh Kohli as a businessman. It is argued that the important witnesses, Mausa of the informant and the Judicial

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Magistrate who had recorded 1st statement of the victim u/s 164 Cr.P.C. at Ranchi have been withhold by the prosecution and if they have been produced, there would be different version, as Mausa told during investigation that considering intimacy of the informant alongwith Ranjeet Singh Kohli the marriage was settled. Further, the Magistrate had recorded entire statement of the informant on 21.08.2014 and as a witness he would told everything stated by the informant, which he had recorded as per the statement of the victim, which certainly falsify the evidence of informant that the learned magistrate not recorded her entire statement which she has stated before him as such there will be presumption under Sec. 114 (g) of the Indian Evidence Act. There is no independent witness deposed against the accused Md. Mushtaque Ahmad, the 1st 164 Cr.P.C statement falsify the entire prosecution case, the evidence of both the I.O. of Ranchi Police clearly established that nothing came during investigation against Md. Mushtaque Ahmad from the mouth of informant, his brother, father and other witnesses and as per the Vinay Tyagi case these fact are important for consideration and decision of the instant case about alleged culpability of Md. Mushtaque Ahmad. It is further argued that PW-4 who is the informant has deposed in para 135 that she first time meet with Md. Mushtaque Ahmad in the month of June 2014, were as she knew Ranjeet Singh Kohli from the month of May, 2014 as evident from para 136. In reply to the Question No 1 and 2 at page 67 of PW. 4 has stated the above facts. Further, informant deposed in para 511 that in her statement before Ranchi police

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and statement u/s 164 Cr.P.C. before Ranchi court, she has not stated that Md. Mushtaque Ahmad gave her steel box containing the Quran. Further, in view of the allegations u/s 354-A IPC there is no date, day of the alleged incident has been stated. There was no such allegation u/s 354-A IPC in the fardbeyan or in statement u/s 161 Cr.P.C. before Ranchi police or in the first statement dt 21.08.2014 u/s 164 Cr.P.C. and there is also no date, day in any statement of the informant evidence regarding reaching at the house of Md. Mushtaque Ahmad. Further, there in para 40 of her deposition no date and day has been given by her. Further, she does not stated before both the I.O. of Ranchi police that Md. Mushtaque Ahmad touched her with bad intention. Further, in para 161 of the I.O. of the C.B.I. examined as PW-26 has deposed that no witness seen Ranjeet Singh Kohli at the house of Md. Mushtaque Ahmad between 07.07.2014 to 19.08.2014, (Between these dates informant claim to reside in her Sasural). Further, there is no any witness near the house of Md. Mushtaque Ahmad have been examined by any of the I.O. Further, the PW.13 (Brother of the informant) deposed that he has not stated before the police and Magistrate that between 07.07.2014 to 19.08.2014 her sister went to the house of Md. Mushtaque Ahmad with Ranjeet Singh Kohli which is also come in para 161 of the deposition of PW-4. It is further argued that PW-26 in para 86 and 87 deposed that informant did not stated in her statement dt 11.09.2015 that *Kaazi* told to Md. Mushtaque Ahmad to handover Rs. 11,000/- as *Mehar* and also not stated before her in her statement dt 11.09.2015 that Md. Mushtaque Ahmad

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came and handed over a steel box containing the *Quran* and directed her to follow it. Further, it is relevant to mention here that no *Nikah* was performed as apparent from the evidence of para 6 of PW 6 Kaazi Jaan Mohammad. It is stated that under Muslim law, husband has to either pay Mehar just after *Nikah* that is called prompt Mehar or deferred Mehar. There is a no question of payment of Mehar, performance of *Nikah* is condition precedent for Mehar, further non performance of *Nikah* is told by informant's brother as apparent from his evidence. No such statement was there in her statement dt. 11.09.2015 and again the PW-26 deposed in her para 89 that informant has not stated in her statement that when Mushtaque Ahmad brought register there, her name was written as Sara Parween. In para. 90 the PW.26 has deposed that it is true that it did not come in the statement of victim that in any register the name of victim was written as Sara Parween. Further, the PW. 26 deposed in her para 92 & 93 that victim has not said before her in her statement dt 11.09.2015 about any cruelty, torture and threatening by Md. Mushtaque Ahmad. In para 94 of the PW-26, it come that the informant has not stated before in her statement dt 11.09.2015 that Md. Mushtaque Ahmad compelled her to eat beef and also took her testimonials. It is further argued that in para 216 of PW- 26 it is came that informant has not stated in her fardbeyan, statement u/s 161 Cr.P.C. before Ranchi Police and her first 164 Cr.P.C. statement dt 21.08.2014 and her statement dt 11.09.2015, 19.11.2015, 06.02.2016, 07.06.2016 and 13.11.2016 that on 08.07.2014, Kaazi Jaan Mohammad (PW-6) asked the name of informant who told her name as

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XYZ. It is argued further that PW-26 has deposed in para 220 that informant (PW-4) did not stated in her fardbeyan, further statement and statement u/s 164 Cr.P.C. dt 21,08.2014 that Md. Mushtaque Ahmad gave Rs. 11,000/- on 08.07.2014. Further, the informant PW.4 in her statement under para 517 has deposed that she did not said in her fardbeyan, the statement u/s 164 Cr.P.C. before J.M.Ranchi that Mushtaque Ahmad pushed her in a room. The informant had also accepted that she has not stated during investigation against Mushtaque Ahmad as apparent from para 298, 518, 519, 522, 527, 529, 530, 532, 554 and 337 of her deposition. It is further argued that informant was legally married according to rituals of informant family and marriage ceremony and rituals were performed by own Purohit of informant namely Lalu Pandit as apparent from evidence of family members of informant, more over Ranjeet Singh Kohli as per evidence and other documents like Pan Card, Driving license and Voter list is Hindu Sikh and not converted to the Muslim religion. Here the marriage has been performed as per rituals and customs of informant's family so there can not be application of section 496 I.P.C. Moreover the informant had filed a matrimonial suit before the family court, Ranchi for divorce. The certified copy of judgment of suit No 15/2017 is Ext A. before this court in which learned court, while deciding issue No. IV held that in absence of any such proof it can not be said that, there had been any concealment of fact regarding religion of respondent. In the light of above discussion it is held that marriage between the parties was a valid Hindu Marriage and it can not be treated

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void on the ground under section 12(1)C of the Hindu Marriage Act, and no decree of nullity can be passed. Hence, no ingredient of section 496 IPC have been proved, more over a competent civil court held valid marriage of informant with Ranjeet Singh Kohli, hence Section 496 IPC is not made out. Further, as per Ext-A, marriage held is valid hence as per Exception of 375 I.P.C. sexual intercourse or sexual act by a man with his own wife, the wife not being under fifteen years is not rape. Further, the informant was medically examined before Dr. Neha Prithi (PW 8), of Safdarjung Hospital, who in her para 11 & 12 deposed that during examination on 07.06.2016 informant (PW.4) told her that her last intercourse was two years back from the date of her examination that came before 07.07.2014 (Medical report of PW.8). The aforesaid fact established that there is no offence of 376 I.P.C, at all made out. It is further argued that moreover neither in the fardbeyan nor there is anything against Md. Mushtaque Ahmad in her 1st statement dt 21.08.2014, recorded u/s 164 Cr.P.C. in which at page 11, third line it has been stated by informant that Md. Mushtaque Ahmad is not a bad person. Nothing against Md. Mushtaque Ahmad is in the letter (Ext-2) kept by informant in her father's almirah, during C.B.I. investigation allegation has been developed, stage wise in order to implicate him. Further, the second statement of the victim u/s 164 Cr.P.C. at Delhi and her statement recorded at Jamshedpur are against the mandate of Sec. 161 Cr.P.C. proviso and punishable u/s 166 IPC. Further, there is violation of section 164 (6) Cr.P.C. It is further argued that the entire prosecution is malafide,

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malicious, based on false facts. In her 1st Sec 164 Cr.P.C. statement dt 21.08.2014 the prosecutrix said that Md. Mushtaque Ahmad is not a bad person, then how a person, who is not a bad as per the statement of informant dt 21.08.2014 before the Judicial Magistrate, Ranchi, later on painted with several allegation. The deviation from the earlier statement is always fatal for the prosecution case and make entire prosecution case suspicious. Apart from that as per the ratio of case of Vinay Tiyaagi vs Irshad Ali alias Deepak and others (SC) decided on 13.12.2012. In para 15 and 16 it held that further investigation is continuance of previous investigation (it thus not have the wiping out directly or indirectly the initial investigation conducted by the investigating agency). It in contradiction of fresh and De Novo investigation for which special order of the court is required. The each and every witness who have been placed as material witness of the prosecution, have deviated from their earlier version and changed the story by aggravating the fact and made intentional improvement in their new version and made a case registered for domestic dispute into a dispute with communal colour and made the life of a person of high repute in trouble. In view of that the accused may be acquitted from this case as the prosecution has miserably failed to bring home the charges due to the above discussed reasons.

(c) Argument on behalf of the Prosecution :-

It is argued by the Ld Sr. P.P. for the C.B.I. that the prosecutrix, aged about 22 years, is a national-level shooter from Ranchi. She was rescued on 19.08.2014 from the house of her then husband,

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Ranjeet Singh Kohli, at R-4D, Blair Apartment, Ranchi, by state police on the complaint of her father. On the basis of the fardbeyan of the prosecutrix, F.I.R. No. 742/2014, U/s 498-A, 34 I.P.C. dated 19.08.2014 was registered at PS Kotwali /Hindpidi, Ranchi against Ranjeet Singh Kohli and his mother Kaushal Rani. The prosecutrix had alleged through her fardbeyan (Ext.-5) that on 07.07.2014, her marriage was solemnized with Ranjeet Singh Kohli as per the Hindu Custom, and on the very next day, Ranjeet Singh Kohli called Kaazi to perform Nikah. The accused told her that until she performed *Nikah*, he would not be her husband. Further, her statement was recorded by the state police U/s 161 Cr. P.C., wherein she again alleged that she was subjected to torture and was forced to perform *Nikah* on the very next day of her marriage. The same allegation was again said by her in her statement recorded U/s 164 Cr.P.C. on 21.08.2014, where she further alleged that on the next date of her marriage, *Kaazi* and 10 other persons came for *Nikah*, and she also stated that after 4 to 5 days of her marriage, she was invited at the house of Md. Mushtaque Ahmed in *Iftar* party where she was forced to not wear Saari rather wear a black coloured suit. The evidence on record clearly shows that she was subjected to forceful conversion by accused persons, whereas the charge-sheet filed by the state police on 23.10.2014 where Ranjeet Singh Kohli and Kaushal Rani made accused only U/s 498-A/ 34 I.P.C. There, the Ld C.J.M. identified some gross latches of the investigation and the charge was framed U/s 498-A/34 I.P.C. and alternate charge was framed u/s 496/34 I.P.C. Further, the Ld. Magistrate

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who wrote the statement U/s 164 Cr.P.C. has perhaps acted against the victim, then she has alleged that he did not write her full version of the statement in her deposition and further alleged that Ld. Magistrate told her to only state about the torture committed by her husband and her mother-in-law. The Ld. Magistrate also said to her that she spoke about the incident related to Md. Mustaque Ahmed at the stage when her statement will be recorded in the court and if the question put in court, then explain at that time. At para No. 488, she also stated that the Judicial Magistrate did not allow her to read whatever he wrote. The statement that the Ld. Magistrate did not record her full version is also corroborated by the application filed by the victim in the court that her statement u/s 164 Cr.P.C. should again be recorded. However, her application was opposed by the CBI on the grounds that the CBI investigation is at a very early stage. Later on, when other facts and circumstances appeared during the investigation, CBI, on its own motion, applied for recording statement u/s 164 Cr.P.C. of the victim. In the above discussion, it is clear that state machinery was under the influence of accused persons and did not perform their duty as per the law. It is further submitted by the prosecution that there is no dispute that the marriage was solemnized between both victim and Ranjeet Singh Kohli on 07.07.2014 with their consent. However, the question that needs to be considered at this point is whether the accused, Ranjeet Singh Kohli, follows the Muslim Religion or not and whether other co-accused, namely his mother, Kaushal Rani, and Md. Mushtaque Ahmed, know that Ranjeet Singh Kohli, follow the

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Muslim Religion. The Ld Sr.P.P. further argued that the witness, Haazi Husain Ansari, examined as PW-5, states in his deposition that Ranjeet Singh Kohli himself stated to him that his name is Raquibul Hassan. He also admitted that he sent invitation cards dated 10.08.2012 and 26.07.2013 of the *Iftar* Party, in the name of Raquibul which are also exhibited as Ext. 6 & 7. Similarly, Ravindra Mehta examined, as PW-14 stated in her deposition, that she was the neighbour of Ranjeet Singh Kohli, and his mother, Kaushal Devi, once disclosed that her son's name is also Raquibul Hassan. She also stated that his son used to offer Namaz also. Another invitation card was produced by the victim and marked as Ext. 4 & 4/1, addressed to the name of Raquibul Hassan Sahab. Similarly, at the time of the house search conducted at the residence of Ranjeet Singh Kohli at his three different locations, the inspection memorandums were also prepared and marked as Ext. 9, 10 & 11, where several objects and things were found, which are related with Muslim Religion. The CFSL expert also conducted videography and photography, and the data were stored directly in the memory card, which was exhibited in the court as Material Ext-II. As per section 114, illustration-A, if the objectionable or any such thing is found in the possession of any person, then the court may presume the existence that goods are the object belongs to that person. From the above facts on the record, it is clear that Ranjeet Singh Kohli professes Muslim Religion and concealed the truth from the prosecutrix. The fact that Ranjeet Singh Kohli professes Muslim Religion is well within the knowledge of his mother Kaushal Rani. The victim

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imposed an allegation upon Ranjeet Singh Kohli that she was compelled to perform Nikah; then only he would be her husband in the true sense. Accordingly, a *Nikah* ceremony was organized on the next day of marriage i.e., 08.07.2014. The *Nikah* ceremony organized in which *Kaazi* was invited, which is proved by *Kaazi Jaan Mohammad Mustufur*, examined as PW-6, and facts were also corroborated by the testimony of *Hasimuddin Ansari* (PW-17). The fact was also confirmed by the testimony of *Harimati Kumari* (PW-15) and *Poonam Devi* (PW-16), who were maids and worked in the house of *Ranjeet Singh Kohli* and were also present at that time. Both co-accused, *Kaushal Devi* and *Mustaque Ahmed*, know that *Ranjeet Singh Kohli* professed Muslim religion; however, they induced the prosecutrix to marry *Ranjeet Singh Kohli* as per the Hindu Custom. After that, on the next day, when *Nikah* was performed/ attempted, both accused were again present, which clearly shows that they knowingly tried to convert the prosecutrix to the Muslim Religion in furtherance of criminal conspiracy with *Ranjeet Singh Kohli*. *Md. Mustae Ahmed* participated in the shooting camp organized at *Hotwar Shooting range*, where he persuades the victim for marriage as early as possible. He also participated in the engagement dated 20.06.2014 and marriage on 07.07.2014. Then, his presence on 08.07.2014 for performing *Nikah* at the residence of *Ranjeet Singh Kohli* gave the presumption that he was fully aware of the religion *Ranjeet Singh Kohli* professed. The first U/s 164 Cr.P.C. statement was recorded on 21.08.2014 in which the victim stated that after 3 to 4 days of

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marriage, she was invited to the house of Md. Mushtaque Ahmed in *Iftar* party where it was told to her that Hindu religion is not good one and Muslim faith is good one. However, as discussed earlier, the full version of the victim's statement was not taken; hence, we have to take the help of the second u/s 164 Cr.P.C. statement recorded by the Metropolitan Magistrate, New Delhi on 09.06.2016 and her deposition recorded in the court were at para No. 41 she stated that after completion of *Iftar* party, Md. Mushtaque Ahmed induced to come in a room where he tries to rape her and also touched her cheek and breast and also shown her intimate video which was videographed by Raquibul Hassan. Md. Mushtaque Ahmed also forced her to eat beef. In suit No. 15/2017, the family court Ranchi granted a decree of divorce on 26.06.2018. The prosecutrix has challenged the judgment's findings in the Hon'ble Jharkhand High Court. Hence, the family court's conclusion is irrelevant in this case because the matter is still sub-judiced.

In the case of Ajay Diwakar vs. State of UP – Law Finder document ID 2213779 were at para No. 23 Hon'ble Allahabad High Court observed as under:-

"Mazid Bayan is a terminology normally used for further/ subsequent statement of a witness recorded during investigation, and definitely it would be a part of investigation. However, as held in Dharmendra alias Patra (supra) that any Mazid Bayan, if it is recorded with object for frustrating the purpose of statement recorded under Section 164 of the Code or to negate and defeat the earlier statement of

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the victim given under Section 164 of the Code, then it would be against the intent of investigation, and the sanctity of the statement recorded under Section 164 of the Code will lose its value. Therefore, if Mazid Bayan is recorded on the personal request of the victim that she herself wanted to resile from earlier statement or to give certain other evidence, Mazid Bayan can be recorded; however, it will depend upon Investigating Officer to rely upon it or not and at this stage it would be a better course if a subsequent statement under Section 164 of Code may be recorded and for that a request can be made before Magistrate by concerned Investigating Officer, who will be at liberty to record it or not. The Investigating Officer will be at liberty to make out an overall opinion on the basis of overall evidence collected during investigation.” Ld. Sr. P.P. for CBI has further submitted that Sec. 376 IPC provides punishment for rape and the instant case covers the offence under Sec.376 (2)(n) IPC as the accused Ranjeet Singh Kohli has commits rape with the prosecutrix forcefully without her will repeatedly on the same women and the marriage performed on 07.07.2014 was not a valid marriage. Here the offence u/s 496 IPC is also well proved against the accused persons as they organized the marriage ceremony on dated 07.07.2014 which was an eyewash, otherwise they never called *Kaji* on the very next day of marriage for performing *Nikah*. Ld Sr.P.P. has submitted that the main defence of his adversaries is to deviate from the core issue, and they are relying on immaterial contradictions, which are very normal as none of the core factors has been contradicted or abandoned by any witness

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during their examination before the court and even the PW-17 Hashamuddin Ahmed Zuberi who has been declared hostile has admitted that a ceremony for *Nihah* was organized on 08.07.2014 and he called Kaazi on the request of accused Ranjeet Singh Kohli. Further, it is also argued by the prosecution that the accused, Md. Mushtaque Ahmad, who is an Ex. Judicial Officer was fired from the government service due to grave charges concerning the instant case. The prosecution submits that the defence side had always distracted from the core issue and has focused on irrelevant contradictions which are immaterial to the facts and circumstances of the present case. During his heated argument, Ld Sr.P.P. placed a famous Urdu couplet and commented in relation to the argument forwarded by the defence side :

"तू झुधर उधर की न बात कर ये बता कि काफ़िला क्यूँ लुटा,
मुझे रहज़नों से गिला नहीं तिरी रहबरी का सवाल है "

and submitted that the prosecution has fully succeeded in proving its case beyond any doubt. Hence, the accused persons may be punished according to the charges imposed against them.

11. In this case, evidence of the witnesses brought by the parties is placed in the following manner to come to a conclusion in the matter.

12. **PW-1 Nishant Singh** has deposed in his examination-in-chief that in 2004 in the month of May-June, summer camp was organized for rifle shooting in Khel Gaon, Ranchi, in which he, along with Ravi Kumar Sharma, Dwed Nath Shahdeo, and XYZ, participated

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as a coach and as a participant, Ranjeet Singh Kohli and Md. Mushtaque Ahmad also attended. Ranjeet Singh Kohli and Md. Mushtaque Ahmad used to come in VIP vehicles in which a beacon light was also placed. After some days, XYZ told him that she wanted to marry Ranjeet Singh Kohli. The witness also participated in the *Sagai* ceremony of XYZ, where Md. Mushtaque Ahmad was also present. The marriage of XYZ and Ranjeet Singh Kohli was solemnized on 07.07.2014 at Radisson Blue Hotel, in which Md. Mushtaque Ahmad was also present. The marriage was solemnized as per Hindu custom.

In cross-examination this witness has deposed that the victim had said to him and other participants that she was going to marry Ranjeet Singh Kohli, and he was also invited to attend the marriage when the marriage was finalized. The witness further stated that the victim often talked with Ranjeet Singh Kohli during the shooting. He further deposed that after the summer camp closed on 15.06.2014, the victim and Ranjeet Singh Kohli organized a joint dinner in which this witness and other contestants participated. The witness has also deposed that the marriage of Ranjeet Singh Kohli and the victim was solemnized as per Hindu rites and rituals at Hotel Radisson Blue at Ranchi on 07.07.2014 in the presence of family members of both sides and the friends and respected persons of city. He further deposed that he was also present in the marriage ceremony. The witness further deposed that before 15.06.2014, the victim told him she wanted to marry Ranjeet Singh Kohli. On the occasion of engagement and marriage, the mother of Ranjeet Singh

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Kohli, Kaushal Rani, was also present. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

13. PW-2 Kundan Kumar Saw has deposed in his examination-in-chief that he was working as stadium Manager in the Jharkhand Sports Authority shooting range on 01.06.2014. In May-June 2014, a summer camp for shooting was organized in Ranchi. He further stated that he prepared the list of shooters and coaches who participated in the summer camp, which was provided to CBI. The list was signed by Shri Sarvar Immam, the then Assistant Administrator. The name of Ranjeet Singh Kohli, Md. Mushtaque Ahmad, XYZ and Dwed Nath Shahdeo are present in the list, which is marked as **Ext-1**.

In cross-examination this witness has deposed that when the list of shooters was prepared, at that time, he was not appointed there. His appointment was made on dated 01.01.2014. He further deposed that the name of the person who had prepared the list is not mentioned on the list, and his signature or initial is also not available there. He stated that the participant's name, Mustaque, is mentioned in the list, but the name of Md. Mustaque Ahmad is not there. He further deposed that the officer of CBI had only received the list from him but not recorded his statement. The list of shooters to which he had filed is signed by Md. Sarwar Imam, the then Assistant Administrator, Jharkhand Sports Authorities, Ranchi. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

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14. PW-3 Ravi Kumar Sharma has deposed in his examination-in-chief that Rifle shooting camp was organized in the year 2014 in May-June. While perusing the list of receipt forms for registration in summer camp, he stated that in the list, the name of participants and coaches are mentioned in which the name of XYZ, Nishant Singh and his name was present as coach. He has also stated that the list, which is in photocopy and marked as **Ext-1**, is the photocopy of the original Register, which is present in the Court and substituted of it. He remembered some of the participants as Dwed Nath Shahdeo, Md. Mushtaque Ahmed, Bablu Kumar, Ranjeet Singh Kohli etc. He used to give forms for registration in the summer camp. While perusing the registration forms related to Ranjeet Singh Kohli and Mushtaque Ahmad, he identified their signatures because Ranjeet Singh Kohli and Mushtaque Ahmad filled out the form before him. The said Registration forms are marked as **Ext-2 & 3**. Md. Mushtaque Ahmad and Ranjeet Singh Kohli used to come to summer camp with their bodyguard and vehicle fixed with beacon lights. He further deposed that during summer camp, he learned that XYZ wanted to marry with Ranjeet Singh Kohli. After completing summer camp, Ranjeet Singh Kohli organized a dinner party in which he and XYZ, her brother Dwed Nath Shahdeo and Nishant Singh were participated. On 20.06.2014 *Sagai* ceremony of XYZ was organized at the residence of Ranjeet Singh Kohli, in which he, along with Md. Mushtaque Ahmad, Nishant Singh and the family of both parties, were present. On 07.07.2014, marriage was solemnized as per the

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Hindu rites and cultures in which Md. Mushtaque Ahmad actively participated. He identified Ranjeet Singh Kohli and Md. Mushtaque Ahmed, who are present in the Court.

In cross-examination this witness has deposed that he he, for the first time, met with Ranjeet Singh Kohli during summer camp in May-June 2014. He further deposed that Ranjeet Singh Kohli filled out the participant's form in front of him, and he accepted the same from him, and now it has been produced before the court. He has further deposed that he was a coach in that camp, and the responsibilities related to the forms were given to him. That responsibility was given by Mr. Sarwar Imam, Assistant Administrator, in the year 2014 to the witness. This witness has identified the register marked as Ext.1, written by Kundan Kumar Saw and signed by Mr Sarwar Imam. He further deposed that Stadium Manager Kundan Kumar Saw had handed over Register (Ext.1) to him at the time of camp. This witness has further deposed that the engagement of Ranjeet Singh Kohli and the victim took place in the presence of family members and relatives of both sides, including their friends, on dated 20.06.2014. He further deposed that the victim had told him she would marry Ranjeet Singh Kohli, who is her friend. He further deposed that he was present at the time of engagement on 20.06.2014. Being the senior shooter, he was engaged as a coach in that camp and was authorized to receive forms, etc. There is no such evidence came during the cross-examination of the witness which may falsify the case of prosecution.

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15. **PW-4 XYZ** the prosecutrix has deposed in her examination-in-chief that in the year 2014, she was practicing shooting at Khel Goan Shooting Range, Ranchi as a National Shooting Player. The Sports Authority Jharkhand has organized a summer shooting camp from 30.05.2014 to 15.06.2014. In the summer camp, she and three other Senior Shooting players, namely Nishant Singh, Ravi Kumar Sharma and her brother Dwed Nath Shahdeo participated as coach. In the summer camp, 14 shooters had participated, in which Ranjeet Singh Kohli and Md. Mushtaque Ahmed have also taken part. In summer camp Md. Mushtaque Ahmad used to come along with his rifle for practice and introduced himself as Registrar (Vigilance) of Ranchi High Court. It is deposed that after 1-2 days, Mushtaque Ahmed came in a red beacon light vehicle with two bodyguards and a person who was introduced as Ranjeet Singh Kohli. Mushtaque Ahmad introduced Ranjeet Singh Kohli as a businessman and introduced him that his father was his good friend. After that, both started practicing and became friendly with the Senior Shooter Group. They used to take lunch together and talk among themselves. Mushtaque Ahmad introduced the accused Ranjeet Singh Kohli to her brother Dwed Nath Shahdeo as a successful businessman and a bachelor. Md. Mushtaque Ahmad also said that he knows Ranjeet Singh and his family well. Ranjeet Singh Kohli's father and brother died sometime before, and his mother is not keeping well. Md. Mushtaque Ahmad also told her brother that it has come to his knowledge that his mother has also died, and if her marriage is solemnized with Ranjeet

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Singh Kohli, then the family becomes complete. The witness states that when she knew about the offer of marriage, she told her brother that she is not thinking anything about the wedding because her mother died recently and she wanted to continue the practice of shooting. However, Md. Mushtaque Ahmad assured her and her brother that she could continue her study and shooting practice after marriage. On 15.06.2014 closing ceremony was organized for summer shooting camp, where Md. Mushtaque Ahmad and Ranjeet Singh Kohli did not attend the function and invited the witness and her brother Dwed Nath Shahdeo, Nishant Singh and Ravi Kumar Sharma, for dinner at the residence of Ranjeet Singh Kohli. After the completion of the closing ceremony of the summer camp, it becomes late at night. However, the call of Md. Mushtaque Ahmad and Ranjeet Singh Kohli came continuously and on their insistence, they attended the dinner late at night. When she reached the house of Ranjeet Singh Kohli, he, his mother Kaushal Rani, Md. Mushtaque Ahmad and two maids, namely Harimati and Poonam, were present. After dinner, everyone was happy because she had won the gold medal. The mother of Ranjeet Singh Kohli gave a gold ring, two artificial bangles, and two suit clothes and told to witness that she expecting her as a daughter-in-law and wanted to solemnize the marriage as soon as possible. The witness says that she did not want to take the gift; however, Md. Mushtaque Ahmad requested very emotionally to accept the gift as it was given by the mother to a daughter. Thereafter, the witness and her brother said that their father was out of the station, and when he came, he

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would talk about this. On this Md. Mushtaque Ahmad told to process quickly for *Sagai* and marriage. The witness states that on the next day, i.e. 16.06.2014, one person came with an envelope and gift to her residence, where two air tickets and bio-data of Ranjeet Singh Kohli were placed. Further, the accused Md. Mushtaque Ahmad called over phone and told them to proceed to Patna today and finalize the marriage. The witness says that she reached to Patna and said all things to her father and Mausi. She further said that her family members had also talked to Md. Mushtaque Ahmad over phone and inquired about Ranjeet Singh Kohli. Md. Mushtaque Ahmad was the Judge of Gumla District, and he knew her family very well. He has taken the guarantee of Ranjeet Singh Kohli as a guardian; hence the date of *Sagai* was fixed on 20.06.2014, and on that day, the witness along with her father Lal Ambika Nath Shadeo, her brother Dwed Nath Shahdeo, Mausi Kamni Singh and other relatives reached at Ranchi and in the evening *Sagai* was performed as per the Hindu Custom where Ranjeet Singh Kohli, his mother, Md. Mushtaque Ahmad and other persons were present and the date of marriage was fixed for 07.07.2014. There was no demand from the side of Ranjeet Singh Kohli, and he only insisted that the marriage should be solemnized at Hotel Radisson Blu, Ranchi and the expenditure for the arrangement would be given to Ranjeet Singh Kohli. The witness further deposed that few days before the wedding, Ranjeet Singh Kohli came to the witness's home and told that the marriage had to be solemnized only as a formality and he would not apply Tika and also not perform Saptpadi (taking seven rounds

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around the sacred fire) because he has an allergy from Tika and there was no custom of Saptpadi in Panjabi. However, the witness's family insists on it as the marriage would not be complete. After that, Ranjeet Singh Kohli said that he believed in OM and that no idol of Kali or Durga would be there. On that, the witness and her family agreed. On 07.07.2014, the marriage was solemnized as per the request of Ranjeet Singh Kohli before the family members and friends, but the seven feras (taking seven rounds around the sacred fire) were not performed at the time of marriage, and Md. Mustaque Ahmed was present there. After the wedding, the witness went to Ranjeet Singh Kohli's house at Blair Apartment; she also said that the CD, which was prepared at the time of the marriage, was given to the CBI officer and marked as **Material Ext-I and I/1**. On 08.07.2014, when the witness woke up in the morning, she saw that all the photos related to the Hindu religion had been taken out, and photos pertaining to the Muslim faith were placed on the wall of the house. When she enquired about it, Ranjeet Singh Kohli and his mother told her that they believed in the Muslim religion and that she also had to follow it. Ranjeet Singh Kohli told her that in society's eyes, she might become a wife, but in reality, she would be his wife only when she performed *Nikah* and told *Kabul hai* three times. Ranjeet Singh Kohli also told her that if she wants to live respectfully, she has to do whatever he tells. He also threatened that if she said anything to her father and brother, he would implicate them in false-arm acts and rape cases and kill them. On 08.07.2014, Ranjeet Singh Kohli brought a white Salwar Suit

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and told her to wear it, and when the Kaazi came, she had to say Kabul hai - Kabul Hai. Before the *Kaazi* came there, Md. Mushtaque Ahmad came into the bedroom and told her that she does not know where she has been trapped if she wanted to be alive, she must do whatever said. On the evening of 08.07.2014, Md. Mushtaque Ahmad, along with Kaazi and other 10-15 persons, came into the house. They were talking in the Muslim language. When she reached in the drawing room, there was a curtain where she took her place along with Kaushal Ran. Maids Poonam and Harimati were also present there, whereas Md. Mushtaque Ahmad, Kaazi, and the other 10-15 persons were on the other side of the curtain. After that, Kaazi started reading something in Urdu and told the witness that she had accepted the *Nikah*; then, the witness told Kabul Hai Kabul Hai three times. The same thing was asked by Ranjeet Singh Kohli, who also told Kabul Hai. Then Md. Mushtaque Ahmad offered the witness Rs. 11,000/- rupees as *Mehar*, which was kept by mother of Ranjeet Singh Kohli. After that, Md. Mushtaque Ahmad gave her Kuran placed in the metal box and told her to follow it from today. When Kaazi asked the witness's name, she said XYZ, then the Kaazi asked the name of her father, and she told him her father is Lal Ambika Nath Shahdeo. After knowing the names, Kaazi told Md. Mushtaque Ahmad that the girl is Hindu. On that, Md. Mushtaque Ahmad told the *Kaazi* that she accepted Islam, then Kaazi demanded the certificate of conversion then Md. Mushtaque Amhad and Ranjeet Singh Kohli told the *Kaazi* to give the certificate at a later stage and requested a certificate of *Nikah* then Kaazi

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brought red colour register and gave to Md. Mushtaque Ahmad to take the signature of the present witness. Md. Mushtaque Ahmad gave the register to the witness to sign on it where the witness's name was written as Sara Praveen and Rakibul Hassan. She refused to sign on it as her name is XYZ. Then, she learned that Ranjeet Singh Kohli's name is also Rakibul Hassan. After that incident, Ranjeet Singh Kohli, Kaushal Rani, and Md. Mushtaque Ahmad started torturing her mentally and physically. Ranjeet Singh Kohli has made physical relations at gunpoint and committed rape with her again and again. Ranjeet Singh Kohli @ Rakibul Hassan used to frighten her with his pet dog and used to smoke on her face. Kaushal Rani also smoked on her face and tortured her in different ways. The witness deposed that one day, the bell rang, and when the witness opened the door, one person was standing and asked Janab Rakibul Hassan Sahab's house. Then, the witness told him that no person named Rakibul Hassan lived in the house. Then Kaushal Rani scolded her and said her husband's name is Rakibul Hassan. That card was for *dawat-e-iftar* dated 18.07.2014, from the minister Haji Hussain Ansari. She identified the envelope and invitation card, and the same are marked as **Ext.4 and 4/1**. She also disclosed that she saw many strange activities of Ranjeet Singh Kohli; she also said that many high officials from the Judiciary, administration, and ministers used to come to his house. After some time of marriage, Md. Mushtaque Ahmad invited her and Rakibul Hassan to an *Iftar* Party where the witness was restrained from wearing a Sari and compelled to wear a suit of black and white colour. Rakibul

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Hassan also used to keep/follow Roza. When she reached the house of Mushtaque Ahmad, 20-25 Muslim women were already present there, and the wife of Mushtaque Ahmad was also present. There, they abused the Hindu religion; she was advised to read Kuran, keep Roza, and was forced to eat cow flesh and embrace the Muslim faith. When the Iftar party finished, Md. Mushtaque Ahmad tried to rape the witness, touched her cheek and breast, and showed the intimate video of her and Ranjeet Singh Kohli, which was recorded by Rakibul Hassan, and told her that he would also do the same. It was said to her that the bed would be the same, and the person would be changed. Md. Mushtaque Ahmad forced her to eat beef in the presence of Rakibul Hassan and Md. Mushtaque Ahmad's wife. She further says that Ranjeet Singh Kohli started torturing her. He also used to commit unnatural sex on gunpoint. She had deposed that Ranjeet Singh Kohli threatened her to behave normally when her father and brother came to meet her; he said they would not return alive otherwise. Ranjeet Singh Kohli and Kaushal Rani also tortured her and told her father to transfer some land in the name of Ranjeet Singh Kohli. She has further stated that on 10.08.2014, she went to her maternal house with her brother, Dwed Nath Shahdeo, on the occasion of Rakhi. When she was ready to go along with her brother, she was again threatened not to reveal anything and to return on the next day. On the same day, one lady, Kiran, and her son Bablu came into the house of Rakibul, and they were introduced as sister of Rakibul and his nephew. The witness says that on 12.08.2014, she returned to the home of Rakibul Hassan and did

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not disclose anything to her father and brother because she was threatened not to reveal it by the accused. On 13.08.2014, a dispute occurred between the witness and Kaushal Rani. Kaushal Rani called Ranjeet Singh Kohli, and Ranjeet Singh Kohli returned in half an hour and beat her brutally. After that, the maid Poonam came to the room where the witness gave her the mobile number of his brother and told her to inform her brother that Rakibul Hassan was torturing her. The witness further states that on 19.08.2014, in the morning, she came to know that Ranjeet Singh Kohli would go to Delhi at night; then she said to the maid Poonam to inform her brother, in the night of 19.08.2014, her brother, father, and Mausi, along with police, reached to the house of Ranjeet Singh Kohli. She has further deposed that after some time, some known persons of Rakibul Hassan, namely DFO Paritosh Upadhaya, Rohit Raman, Bablu, and other persons, reached the house and restrained her family members and police to let her go from that house. She says that the accused, Kaushal Rani, forcefully removed her Mangal Sutra and tried to take the ring from the witness; thereafter, the police packed her clothes and ornaments, etc., which she brought there after marriage. She further says that during the event, Md. Mushtaque Ahmad and Rakibul Hasan were creating pressure on the police through phone calls, and the police also told her about mounting pressure. The witness says that Kaushal Rani also gave a signature as a token that the witness was taking her documents, etc. She has further deposed that the police recorded her Fard-bayan and brought her to the Sadar Hospital, Ranchi, where her

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medical was conducted, and after that, she was referred to RIMS Ranchi. In the Hospital, she learned that DIG Praveen Singh helped to rescue her. Praveen Singh, DIG, personally came to the Hospital and told that she and her family should leave Ranchi, if she wanted to be alive, as many powerful persons are involved in this case. When the Fard-bayan was written, she said that Ranjeet Singh Kohli fiercely beat her and was not in a good mental condition; therefore, she narrated the story in very short. She identified the fardbayan with her and her father's signatures, and the same is marked as **Ext-5 & 5/1**. On 21.08.2014, she went to Court, where her statement U/s 164 Cr.P.C. was recorded by the Magistrate. She told whatever happened, which the Magistrate wrote in short. She further said that when she spoke about Md. Mushtaque Ahmad, the Magistrate told her to only tell about her husband and mother-in-law and that other things would be told in the Court. She identified her signature on the statement recorded U/s 164 Cr.P.C., which is marked as Ext-5/2, with the objection of the defence. She further deposed that her another statement U/s 164 Cr.P.C. was recorded in Saket Court, Delhi, where the Magistrate wrote her statement in detail. She identified her signature on the statement, consisting of 33 pages, and marked as **Ext-5/3(a) to 5/35(a)** with the defence's objection. She identified Rakibul Hassan and Md. Mushtaque Ahmad, who were present in the Court and claimed to identify Kaushal Rani, who was represented through her Ld Counsel.

In cross-examination this witness has deposed that she is a shooter by profession and has been shooting since 2004. She states that in

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her statement before the CBI, she said that a camp was organized by Sports Authority, Jharkhand, in May 2014 for 15 days. She participated in the camp as a senior shooter and used to guide the new players as a coach. She further stated that in the year 2011, she had participated in the National Games held at Ranchi, and she had also participated in an International Match in Singapore in the year 2011. She had further deposed that for the first time, she met with Ranjeet Singh Kohli during summer shooting camp in 2014, Hotwar, Ranchi when Md. Mustaque Ahmad introduced him to her and other shooters. She is unable to recall the date. She has further deposed that before engagement and marriage, she used to talk with Ranjeet Singh Kohli on his brother's phone and after confirmation of engagement through her number. She has further stated that her engagement was held on 20.06.2014, according to Hindu rites and rituals, at RD 4 Blair Apartment, Main Road, Ranchi, with Ranjeet Singh Kohli in the presence of family members, relatives, and friends. Further, her marriage was solemnized on 07.07.2014 according to Hindu rites and rituals at the hotel- Radisson Blue, Ranchi, in the presence of family members, relatives, friends, and respected persons of the city. She has further deposed that before marriage, her family members had enquired about Ranjeet Singh Kohli as per his bio-data provided by Md. Mustaque Ahmad, in which it was told he is a Hindu. Md. Mustaque Ahmad assured that he is the guardian of Ranjeet Singh Kohli. The witness has further deposed that she had filed a matrimonial suit bearing no. 15/2017 for divorce with her husband Ranjeet Singh

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Kohli u/s 12(1)(c) of the Hindu Marriage Act, 1955 and 13(1)(1)(a) of the Hindu Marriage Act. She had admitted that she had told the Family Court, Ranchi, that before her marriage, his father, brother, and friends had inquired about the religion, profession, economic and social status of Ranjeet Singh Kohli. She has further stated that before her marriage, Ranjeet Singh Kohli had told her that he is Hindu Sikh, and after knowing the said fact that he is a Hindu, the marriage was solemnized and after her marriage, on 08.07.2014 when Ranjeet Singh Kohli and Md. Mustaque Ahmad forcefully solemnized *Nikah* then she came to know that the accused is a Muslim and she has been cheated. The witness further deposed that she is a Hindu, but after her marriage on 08.07.2014, Ranjeet Singh Kohli @ Rakibul Hassan and his mother Kaushal Rani and Md. Mustaque Ahmad have converted her forcefully into the Muslim religion and forcefully solemnized *Nikah* and tortured her to change her name as Sara Parween which she did not follow, and she is now a Hindu. She again deposed that her forceful *Nikah* was organized; its proof must be collected by the CBI. When *Kaazi* asked her name, she told her name, and when *Kaazi* found her Hindu name, he had not issued the certificate of *Nikah*. She further stated that on 07.07.2014, after the consent of both the families, her marriage was solemnized with Ranjeet Singh Kohli. She has admitted that as per bio-data and inquiry made in this regard, late Harman Singh Kohli is the name of the father of Ranjeet Singh Kohli. She has further stated that the bio-data of Ranjeet Singh Kohli, along with his photo, was given by Md. Mustaque Ahmad, and she cannot say

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where the paper is now. Further, this witness has admitted that she had handed over the card of *Dawat-e-Iftar* dated 18.07.2014, addressed to Janab Rakibul Khan Sahab, Main Road, Ranchi, at her residence Palkot house, Ranchi. The witness stated that on 19.08.2014, her fardbeyan was written by Lady Police Inspector Dipika Prasad in front of her on 19.08.2014. The witness further deposed that the reason behind her marriage with Ranjeet Singh Kohli was that Md. Mustaque Ahmad assured her family members that Ranjeet Singh Kohli @ Rakibul Hassan is a very good man and he also respects the family and will help her in shooting and further study as a life partner. She did not want to marry out of Ranchi city because her mother had died recently; hence, due to the assurance of Md. Mustaque Ahmad, she and her family members agreed to the marriage. She has further deposed that Md. Mustaque Ahmad was the Vigilance Registrar in the High Court, and an ordinary person thinks such a person is a good and reliable man. She has further deposed that Md. Mustaque Ahmad was Judge of Distrit-Gumla, and at that time, she and her family members came to know about him. She and her family believed on Md. Mustaque Ahmad as he was posted at a respectable post and, on his assurance, agreed to an important decision for her life, which was turned into a blunder of her life. She has further deposed that it is true that on 19.08.2014 in her fardbeyan, she has not stated that Ranjeet Singh Kohli had committed forcefully unnatural sex with her at the gunpoint. Further, she has again admitted that during her statement before the police, statement u/s 164 Cr.P.C. dated 21.08.2014 and

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statement before the CBI u/s 161 Cr.P.C. dated 11.9.2015, 19.11.2015, 06.05.2016, 07.06.2016 and 13.11.2016 she had not stated Ranjeet Singh Kohli used to commit unnatural sex with her on the gunpoint. Further, she had not stated in her fardbeyan on 19.08.2014 and statement before the police u/s 164 Cr.P.C. on 21.08.2014 and statement before the C.B.I. dated 11.09.2015, 19.11.2015, 06.05.2016, 07.06.2016, and 13.11.2016 that Ranjeet Singh Kohli used to commit rape with her at gunpoint. She further deposed that in the supplementary charge sheet of C.B.I., the religion of Ranjeet Singh Kohli was written as Hindu Punjabi Khatri. She, in her statement dated 21.08.2014 before the Ld. Judicial Magistrate has deposed that on 19.08.2014 in the night at about 2.30 hours, police rescued her from her matrimonial house, R.D. 4 Blair Apartment, Ranchi, and took her to Sadar Hospital, Ranchi, for treatment. She has further deposed that it is true that from 10.08.2014 to 12.08.2014, she was at her matrimonial home situated at Kishore Ganj, Ranchi. She has further deposed that it is true that in respect of that period, she had not stated anything against her husband and mother-in-law in her affidavit given before the Family Court, Ranchi, in O.M.T.S. 15/2017. She further deposed that it is true that in her affidavit before the Family Court, Ranchi, she had stated in para 74 that after her marriage with Ranjeet Singh Kohli, she had not lived with him as a husband and wife. She has further said that it is true that she had not specifically stated in her fardbeyan dated 19.08.2014 that Md. Mustaque Ahmad came on 08.07.2014 along with 10 to 15 persons for her Nikah at her matrimonial

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house. In the same way, she again said that it is true that she had not specifically stated in her statement before the police, the statement u/s 164 Cr.P.C. dated 21.08.2014, her statement before the C.B.I. dated 11.09.2015, 19.11.2015, 06.05.2016, 07.06.2026 and 13.11.2016 that on 08.07.2014 Md. Mustaque Ahmad came along with 10 to 15 persons at her matrimonial house R4D Blair Apartment, Main Road, Ranchi for her Nikah. Further, she had again stated that it is true that in her statement u/s 164 Cr.P.C. dated 09.06.2016, she had not specifically told that on 08.07.2014, Md. Mustaque Ahmad came along with 10 to 15 persons to her matrimonial house for her *Nikah*. The witness further deposed that it is true that on 13.11.2016, she had told the CBI in her statement that after 10 to 15 days of her marriage, she went to the house of Md. Mustaque Ahmad along with Rakibul Hassan to attend the *Iftar* party at around 8.30 PM to 9 PM. Further, on perusal of Ext. 4 and 4/1, this witness deposed that in the invitation card of the *Iftar* party sent by Hazi Hussain Ansari, the date of the *Iftar* party is 18.07.2014, and the time mentioned as 6.37. This witness has further stated that on 09.06.2016, in her statement before Ms. Shivani Chauhan, MM, Saket, New Delhi, described all the incidents of mental and physical torture committed with her and that despite her marriage held as per Hindu rites and rituals on 07.07.2014, the ceremony of her forceful *Nikah* was organized on 08.07.2014. She has further stated that she had not stated in her fardbeyan before the police, before Judicial Magistrate, Ranchi, during statement u/s 164 Cr.P.C. and statement before CBI dated 11.09.2015, 11.11.2015,

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06.05.2016, 07.06.2016, 13.11.2016 that on dated 08.07.2014 Ranjeet Singh Kohli had called to *Kaazi* for *Nikah*. Further, the witness deposed that she had not stated in her fardbeyan that Ranjeet Singh Kohli used to torture her from time to time. She further stated that in her fardbeyan, she had not said that Ranjeet Singh Kohli restrained her from making calls after marriage. She has further deposed that she had not stated in her fardbeyan dated 19.08.2014 in toto that Ranjeet Singh Kohli had threatened her not to inform her father and brother about the assault; otherwise, Ranjeet Singh Kohli would kill her brother and father. The witness has deposed that on 19.08.2014, the maid Poonam conveyed her brother Dwednath Sahdeo over the telephone about the torture. The witness further states that she had not stated in her fardbeyan dated 19.08.2014 that Kaushal Rani used to assault her with a walking stick during the period from 07.07.2014 to 19.08.2014. She has further deposed that it is true that on 26.06.2018, the Principal Judge, Family Court, Ranchi, passed a judgment and decree of her divorce from Ranjeet Singh Kohli. She stated that in her fardbeyan dated 19.08.2014, she had said that Ranjeet Singh Kohli used to assault her and forcefully made physical relations with her, but she has not stated the dates and time in her fardbeyan. The witness has further deposed in her statement u/s 164 Cr.P.C. that on dated 13.08.2014, her husband had assaulted her, treated her like an animal during physical relation, and inflicted a fist blow on her breast. The witnesses further stated in her statement that her statement u/s 164 Cr.P.C. dated 09.06.2016 that Ranjeet Singh Kohli

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assaulted her on 13.08.2014 at noon and statement u/s 164 Cr.P.C. dated 21.08.2014 she had stated that her mother-in-law called Ranjeet Singh Kohli who came and started beating by fists and elbow on her stomach and back and it is also written there that the accused assaulted her on 13.08.2014 in night hours. She further stated that on 19.08.2014, she had informed her family members and brother Dwednath Sahdeo that Rakibul @ Ranjeet Singh Kohli had tortured her for performing *Nikah*. She stated on 11.09.2015 in her first statement before the CBI that on 13.08.2014, her husband had assaulted her brutally. After perusing Ext. 3 this witness states that Ranjeet Singh Kohli, with the address R4D Blair Apartment, Ranchi, is not mentioned, and on this document, there is no signature or seal of any officer related to Sports Authority of Jharkhand. She further stated that her signature and seal are not mentioned as a coach on this document. The witness further states that in her first statement taken u/s 164 Cr.P.C., only this fact is mentioned that her mother-in-law told her the name of her husband is Rakibul Khan which is written on the Iftar card. Further, this witness has admitted that the card is marked as Ext. 4 and 4/1, which is addressed to Janab Rakibul Khan Saheb, and this fact is also mentioned in her statement in para 37 of examination-in-chief. She further stated in her statement at para 33 that Md. Mustaque Ahmad and Ranjeet Singh Kohli @ Rakibul had threatened her to accept what they were told, though before the name Ranjeet Singh Kohli, date, place, and time are not mentioned. Further, she stated in para 33 that Md. Mustaque Ahmad had told her that now her name is Sara Parween, but here, the

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names of Rakibul Hassan and Kaushal Rani are not mentioned, and there date, time, and place are also not mentioned. Further, in para 57, she stated that on 13.08.2014, in the matrimonial house, i.e., the house of Rakibul Hassan, when she was working in the kitchen and talking with servant Poonam, Kaushal Rani (mother of Rakibul Hassan) and sister Kiran and nephew Bablu who were present in the house had told her nasty words, but name of Ranjeet Kohli is not mentioned there. On the identification of this witness, the certified copy of the judgment dated 26.06.2018 in Original Matrimonial Suit NO. 15/2017 is marked as Ext. A. This witness further stated that the hand note, which consisted of two pages and left by the witness at her matrimonial home during her visit there between 10.08.2014 to 12.08.2014, where she narrated that Ranjeet Singh Kohli and Kaushal Rani had tortured her, is not mentioned in her examination-in-chief. The witness further brought the decree passed in Original Matrimonial Suit No. 15/2017, marked as Ext. B on behalf of the defence. The witness has admitted that in the said copy of the decree, her husband's name is mentioned as Ranjeet Singh Kohli. She has revealed that it is mentioned in her affidavit submitted before the Ld. Principal Judge, Family Court, Ranchi, concerning Suit No. 15/2017 on 15.06.2014, she had not visited her matrimonial home R4D Blair Apartment again. The witness has stated in para 445 of the examination that it is true that in Ext. 5, the allegation is only against the husband and mother-in-law. The witness voluntarily said that she had stated the name of Md. Mustaque Ahmad to the police officer during fardbeyan, but that

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was not recorded by the police officer stating that the matter is related to husband and wife. She has further stated that she is unable to recall the exact time, but it was the night hour when police and her family members rescued her from the said Blair Apartment and brought her to Sadar hospital for treatment as she had sustained injuries during the assault. During court question in para 456, the witness stated that when the name of Md. Mustaque Ahmad was not recorded by the police as an accused, then she complained about the matter to the court and demanded CBI enquiry, hence the Hon'ble High Court handed over the case investigation to the CBI. The witness further stated that Md. Mustaque Ahmad, who was the Ex-Registrar, Vigilance, due to his post and pressure created by him, her incomplete statement was recorded. Hence, she prayed for an independent enquiry by CBI in the year 2014, and what she stated before this court is in her statement u/s 164 Cr.P.C. at Saket Court during her examination. She further deposed in her statement before the Family Court that she knew Ranjeet Singh Kohli was a Sikh. She has further stated in her cross-examination before the Family Court that her relation with Ranjeet Singh Kohli was not as a husband and wife, and he used to have physical relations with her without her consent forcefully and by torture. She has further stated that the Family Court has agreed with her charge that she was mentally tortured; hence, divorce was granted in her favour. She further said that on 19.08.2014, when her fardbeyan was recorded, she was under the security of police, and family members were also there, but her mental condition was not normal as she

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was terrified. She has further deposed that in her fardbeyan, she had narrated everything to the police, and she stated the same during the investigation before the police, and in her statement recorded u/s 164 Cr.P.C. and before the Investigating Officer of the CBI. She has further stated that at the time of fardbeyan, the mother of Ranjeet Singh Kohli, Kaushal Rani, and nephew of Ranjeet Singh Kohli, namely, Bablu, were present. She has further deposed that her marriage was solemnized on 07.07.2014, and her fardbeyan was recorded on 19.08.2014, and during that period, what happened to her was in her memory, and she narrated everything during her fardbeyan, but the lady police officer had not recorded it in detail. She further stated that in the investigation, a lady officer, the Investigating Officer of CBI came to record her statement several times. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

16. PW-5 Hazi Hussain Ansari has stated in his examination in chief that he is the Ex-Minister of the Jharkhand Government. In 2011, Ranjeet Singh Kohli came to meet him and introduced himself and told him that he came to meet an officer of the forest department and he was working for plantation. The witness further said that he told to Ranjeet Singh Kohli that he wrote a letter to the Hon'ble Chief Minister, Secretary of Forest Department for plantation in the Kabristan, schools, and government institutions where boundary walls have already been erected. In 2014, Ranjeet Singh Kohli came to meet him and said that he solemnized marriage and invited him to party at his apartment. When he

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reached Ranjeet Singh Kohli's apartment in the evening, he found that Sohail Anwar, Judge Mushtaque Sahab, and others were present. The house of Ranjeet Singh Kohli was decorated with the pictures and frames related with Hindu and Muslim religions. Ranjeet Singh Kohli stated that he and XYZ solemnized marriage as per the Hindu and Muslim rites and cultures. When he entered the apartment Ranjeet Singh Kohli, his mother, and wife XYZ came to him and placed Salam. After perusing the invitation card related to *Dawat-e-iftar*, the witness stated that he sent the invitation card to Ranjeet Singh Kohli @ Rakibul Hassan on 10.08.2012 and 26.07.2013. Both the cards are marked as **Ext-6 & 7**.

In cross-examination this witness has deposed that it is true that when he visited the house of Rakibul Hassan @ Ranjeet Singh Kohli for Dawet, he met with Judge Sahab Mustaque Ahmad. This witness stated that police had recorded his statement. On perusal of Ext. 4 and 4/1, this witness says that he has issued the card and written Janab Rakibul Khan Saheb on it. The witness further stated in para 30 of his cross-examination that the accused had told him his name as Rakibul Hassan @ Ranjeet Singh Kohli, though he had not seen any certificate for the same. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

17. PW-6 Kaazi Jaan Mohamad Mustafur has deposed in his examination in chief that he is the *Kaazi* of Ranchi City, and on 08.07.2014, Hasamudin Sahab informed him over the telephone to perform *Nikah* and gave him the address of Blair Apartment. He further

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stated that it was the month of Ramjaan, therefore, he reached after the Assar Namaz. He has further deposed that 04-05 persons were already present when he reached the apartment. He started the process of *Nikah* and asked the boy's name, then he told him his name Rakibul Hassan, and his father's name was Kohli. Then, the witness said that the boy was Hindu, and he demanded the certificate related to the conversion of religion. However, no such certificate was provided to him. Thereafter, the witness enquired about the girl to whom *Nikah* had to perform, and then he was told that the girl is behind the curtain. When he asked the name of the girl, the girl said her name is XYZ @ Sara, and her father's name was Shahdeo, which was a Hindu name. Then, the witness demanded the certificate related to the conversion of religion of girl and boy so that *Nikah* could be completed. No such certificate was provided, and they told him to complete the process of *Nikah*. Thereafter, the witness was not ready to perform the process of *Nikah* and left the apartment without performing it. The witness has also identified the accused, Rakibul Hassan, in the court.

In cross-examination this witness has deposed that on dated 26.02.2016, he had stated before the CBI in his statement u/s 161 Cr.P.C. that since 1996, he used to perform *Nikah*. It is true that in his statement before the police, he had stated that on 08.07.2014, he left his place to go to Blair Apartment at 6.10 in the evening. This witness further said that it is true that on 08.07.2014, Hasamuddin Sahab called and told him to perform a *Nikah*. The witness further stated that on 08.07.2014, the girl

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had told her name Sara Parween, not XYZ @ Sara. The witness further said that on 08.07.2014 at the place R4D Blair Apartment, no girl or boy told Kabul Kabul because the *Nikah* was not completed and no amount of the *Mehar* was given in his presence. He further stated that he never met with the victim after the day of that *Nikah*. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

18. PW-7 Dr. Bijay Bihari Prasad has deposed in his examination in chief that on 19.08.2014, he was posted as a Medical Officer at Sadar Hospital, Ranchi. He identified his writing and signature on the forwarding letter sent to CBI with the enclosure of a true copy of the injury report related to XYZ. He further stated that on 19.08.2014 at about 11.50 PM, he examined victim's injuries with the help of a female nurse at Sadar Hospital, Ranchi. He had mentioned the injuries found on the body of the injured in his report. The forwarding letter, along with enclosures, is marked as **Ext-8**, with the objection of the defence.

In cross-examination this witness has deposed that on dated 19.08.2014 in the night at 11.50 PM the victim came along with S.I. Dipika Prasad. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

19. PW-8 Dr. Neha Pruthi was deposed in her examination in chief that in June 2016, she was posted at Safdarjung Hospital, New Delhi, as a Senior Resident. Inspector Mrs. Sabita, CBI, Spl Branch-1, brought the prosecutrix for medical examination on 07.06.2016 at 05.40

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PM. She performed the medical examination and prepared a report bearing MLC No.17009, and identified her signature and signature of XYZ and Mrs. Sabita, Inspector, on it, and the same is marked as **Ext-9**, with the objection of the defence.

In cross-examination, this witness has deposed that it is true that during the medical examination of the prosecutrix dated 07.06.2016, she had not found any internal or external injury on the body of the victim. Further, this witness stated that it is true that at the time of the medical examination dated 07.06.2016, the victim said that she had made a physical relation lastly two years back. There is no such evidence came in the cross-examination of this witness which may cast doubt upon the case of prosecution.

20. PW-9 Ms. Shivani Chouhan stated in her examination in chief that on 08.06.2016, she was posted as Metropolitan Magistrate, 01/ Mahila Court, South East District, Saket Court. Smt. Seema Pahuja, Dy. S.P., and I.O. of the case put up an application for recording the statement of witness/victim XYZ U/s 164 Cr. P.C. after being marked by Ld. Chief Metropolitan Magistrate, South East District, Saket Court. The I.O. brought the victim before her at about 04.45 PM; the victim disclosed that she would require at least 02-03 hours for her statement; therefore, the same was adjourned for the next day, i.e., 09.06.2016. The present witness states that on 09.06.2016, the victim was again brought, and her statement was recorded by her in her chamber, in her handwriting, and exactly as spoken by the victim. The same is now **Ext-9/a**, running into

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34 pages, which bears her signature. After the recording of the statement, the victim read the statement and affixed her signature on every page of the statement. She further stated that she had no personal knowledge about the facts of this case and recorded the statement as spoken by the victim.

In cross-examination this witness has deposed that that everything disclosed by the victim is fully recorded in her statement i.e., Ext.6. She further stated on perusal of Ext. C that it is correct that this envelope was sent through the office of Chief Metropolitan Magistrate, New Delhi, to the concerned court at Ranchi. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

21. PW-10 Deepika Prasad stated in her examination in chief that on 19.08.2014, it was informed by Mahila Thana In-charge Helen Soy over the telephone that as per the direction of DIG Sahab, she has to go along with Hindpidhi Thana In-charge in some case. As per the directions, she reached Hindpidi Thana, and along with the Thana In-charge, she reached R.4-D, Blair Apartment, Main Road. After knocking on the door, a girl of about 15-16 years opened the door where an old lady seated on the Sofa and a young girl named XYZ came forward and started crying with her Mausi went with them. The lady Constable Chaya was also accompanied by her. The witness deposed that when she asked XYZ to narrate the incident, XYZ said that her husband was used to beating her and stopped her from coming out of the house and, creating a

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hurdle in communication with her parents. She also said that she wanted to go to her parental home but was not allowed. The victim stated that Ranjeet Singh Kohli used to misbehave with her and also caused injury to her private parts. She was also compelled to eat beef and conduct Nikah per Muslim rituals. The invitation card, which comes to the flat, bears the name of Ranjeet Kohli as Rakibul Hassan. The old lady, who was the mother of Ranjeet Kohli, created a hurdle in the investigation and threatened to give a complaint to the Chief Minister against her and also threatened to slap her. After an inquiry into the room of the flat, it can be said that the flat did not belong to Hindus, and no picture or idol of the Hindu God was present. She had further deposed that during the interrogation, the victim told her to be rescued from there; otherwise, the accused would get the victim converted to Islam. She further stated that as per her dictation, the fardbeyan was written by Constable Chhaya, which is marked as **Ext-5**. She identified her signature upon it, which is marked as **Ext-5/2(a)**. XYZ also signed on the fardbeyan in the presence of the witness. At about 11.30 to 12.00 in the night, they had taken XYZ to Sadar Hospital Ranchi. The witness stated that when she met with XYZ, she had injuries on different parts of her body, which were mentioned in the application, which she placed to the Medical Officer, Sadar Hospital, Ranchi.

In cross-examination this witness has deposed that she, in her statement before the CBI, stated that the victim had told her that Ranjeet Singh Kohli had applied force upon her for performing *Nikah*.

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The witness says that it is true that in Ext. 5, the victim has told her name and stated that she was married to Ranjeet Singh Kohli on 7th July as per Hindu rituals and after marriage, she is residing along with her husband and father, and mothers-in-laws. The witness further deposed that the injury requisition of the victim is not in her writing, but it has been signed by her, and she has dictated the description of the injury there. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

22. PW-11 Dukhaharan Tana Bhagat stated in his examination in chief that on 19.08.2014, he was posted as Sub-Inspector at Hindpidi Police Station. FIR no.742/2014 was marked to him for investigation. The FIR was registered on the complaint of XYZ, and after registration of the FIR, he, along with other team members, reached the house of XYZ, where her statement was written. After that, XYZ was taken to the Hospital for her medical examination. During the investigation, he took the statements of XYZ, her father, brother, and other witnesses, and he also visited the Blair Apartment; however, it was locked. Then, he again visited the Blair Apartment along with Dy.S.P. The house of the accused at Ashok Nagar was also searched, and he also seized vehicles found at his residence. He gave an application before the Ld. Court for recording of statement U/s 164 Cr. P.C. of the victim. He investigated the case for about 06-07 days, and thereafter, the investigation was transferred from him by the order of S.P. Saheb.

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In cross-examination this witness has deposed that the statement of victim was recorded on 19.08.2014 at about 23.55 hours. The witness stated that as per the direction of the senior officers, he had sealed the flat of the accused and the vehicles. The witness said that he had read the fardbeyan after taking charge of the investigation of the case and found that the informant had labeled allegation of torture only against her husband and mother-in-law. He further states that during the charge of the investigation, he got the statement of the victim u/s 164 Cr.P.C. recorded only once. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

23. PW-12 Amit Kumar has deposed in his examination in chief that on 12.09.2015, he was working as a Data Entry Operator in Darbhanga House, CCL, Ranchi. As per the direction of his higher authority, he reached the CBI Office, Morabadi, along with his colleague Anup G. Phillip. The witness deposed that he was a member of the search team, and the search was conducted at three places, namely Blair Apartment, Ashok Vihar, and Ashok Nagar, Ranchi, and memorandums were prepared. He identified his signature on each page of these memorandums. The Memorandums are marked as **Ext-10, 11 & 12**, respectively, with the objections of the defence. The witness has also identified his signatures on each page of Ext-10, which were marked as Ext-5/3 to 5/15. Further, he also recognized the signatures of Anup. G. Philip on the said memorandum, which was marked as Ext-5/16 to 5/30. The witness identified the pages with the seal specimens taken, and the

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same was marked as **Ext-13 to 13/6**, respectively, with the objections of the defence. Further, the witness also identified his signatures and the signatures of Anup. G. Philip, on the pages where the seal specimens were taken, the signatures of the witness were marked as **Ext- 5/31 to 5/38**, and the signatures of Anup. G. Philip was marked as **Ext- 5/39 to 5/46**, respectively, with the objections of the defence. The witness says that the inspection memorandums **Ext-10, 11 & 12** were prepared in his presence as well as in the presence of Anup. G. Philip.

In cross-examination this witness has deposed that he had visited the Blair Apartment on 12.09.2015; when they entered in the flat, there was a lady named Kaushal Rani. The officers told her to search, but she refused to search them. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

24. PW-13 Dwed Nath Shahdeo has deposed in his examination in chief that he was the shooting coach and the victim is his sister. In June 2014, a camp was organized by the Jharkhand Government at Hotwar shooting range in which he, his sister, and his friend Nishant were the in-charge, and their duty was to train new players. In that period, Md. Mushtaque Ahmad, Ranjeet Singh Kohli, and Surjit Singh joined the camp where the witness met with Md. Mushtaque Ahmad, who introduced himself as Vigilance Registrar and introduced Ranjeet Singh Kohli as closer than his son. The following day, Md. Mushtaque Ahmad enquired about my sister that from when she was shooting. The next day, Md. Mushtaque Ahmad told him that he wanted to marry Ranjeet Singh

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Kohli with his sister. The witness says that Md. Mushtaque Ahmad said that Ranjeet Singh Kohli is a businessman, and his NGO did the work of the plantation. The name of the NGO was Kaushal Biotech India Pvt. Ltd. He says that Mushtaque Ahmad also told him that Ranjeet Singh Kohli is Hindu and belongs to Punjabi Khatri Rajput and also told that he knows Shahdeo's family well as he was posted at Gumla for a long period. The accused, Md. Mushtaque Ahmad, also told him that he knew his mother had died; therefore, his sister felt downhearted, and Ranjeet Singh Kohli's mother is living alone; hence, he wants both to marry. He says that the accused also told him that Ranjeet Singh Kohli's father had died, and his name was Harnam Singh Kohli. Then, the witness told Md. Mushtaque Ahmad that he would enquire about it. On 15 June 2014, Md. Mushtaque Ahmad and Ranjeet Singh Kohli invited him, his sister and his friend to his flat. They reached as per the invitation, and after dinner, Ranjeet Singh Kohli's mother brought an artificial bangle, placed it in his sister's hands, and said she would be her daughter-in-law from today. The witness opposed the same; however, on the insistence of Md. Mushtaque Ahmad, he told them that he would discuss it with his father and family. The witness deposed that on 16.06.2014, Ranjeet Singh Kohli sent the plane ticket to his residence to visit his father's place at Patna. He says that he and his sister reached Patna and discussed the matter with his father and Mausi. On 20.06.2014, they returned to Ranchi and stayed at Hotel Accord, where Ranjeet Singh Kohli booked the room. The next day, they reached Blair Apartment for the Chheka ceremony, where

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Ranjeet Singh Kohli, his mother, Md. Mushtaque Ahmad, and others were present. Some neighbors were also present, and the maid was also present. After the ring ceremony, Md. Mushtaque Ahmad insisted on early marriage as the health of Ranjeet Singh Kohli's mother was not good. The date of marriage, 07.07.2014, was fixed. After a few days, Ranjeet Singh Kohli came to his house and said that he would marry as per the Hindu custom but would not perform Saptpadi (taking seven rounds around the sacred fire) and not apply Tika because it was not his custom to perform Saptpadi and his elder brother died due to drawing at Rajrappa Temple; hence he not used to apply Tika and on his insistence witness and his family agreed on it. On 05.07.2014, the ceremonies of Haldi, Mehendi, and Sangeet was organized in which the witness's family and Ranjeet Singh Kohli, his mother, Md. Mushtaque Ahmad, and others were present. On 07.07.2014, the marriage was solemnized in the Radisson Blu Hotel, Ranchi, where Ranjeet Singh Kohli, his mother, and Mushtaque Ahmad were present. He says that after the marriage, he went 02-03 times to meet his sister. On 10.08.2014, he went to his sister's house, and his sister came home with him on the occasion of Raksha Bandhan, though Ranjeet Singh Kohli and his mother were not ready. During that period, he felt that his sister was in a sad mood. On 12.08.2014, he dropped his sister to the Blair Apartment. On 13.08.2014, maid Poonam called him and said that his sister placed a letter in red Almira, please read it and rescue your sister as soon as possible. He read the letter and felt him in trouble; he identified the letter, which was

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already marked as **Ext-2**. The witness says that thereafter, he called his sister, but the call was not connected. After some time, he reached Blair Apartment and called his sister, Ranjeet Singh Kohli's mother told him that they are not in Ranchi city. After that, the witness called his father, who was in Varanasi. He also called his Mausi, who was at Patna at that time. On 19.08.2014, his father, Mausi, and Mausa reached Ranchi, and after that, he, with them, went to Hindpidi police station, where the witness wrote a complaint, which his father signed. The complaint was earlier marked for identification as **X/1**, which was marked as **Ext-14** upon identification of this witness. (defence raised objection). The witness further says that after that, he, along with police, reached the Blair apartment at night and knocked on the door of Ranjeet Singh Kohli's flat. The door was opened by the maid. Ranjeet Singh Kohli's mother was sitting in the room and Ranjeet Singh Kohli was not there, after inquiring about his sister; she said that she is sleeping. After that, his sister came close to him, and her condition was not good. She was shivering and weeping. There was swelling on her face, a black spot near her right eye, and marks of injury on her head. She was also not properly talking and breathing. After that, his sister showed her injuries to the lady police in a different room. In between, Ranjeet Singh Kohli's mother started shouting and abusing police. After that, the witness took her sister to Sadar Hospital, Ranchi for medical examination and treatment. The witness's sister told him about the incident and the bad behavior caused by her husband and others. She said to him that on 08.07.2014, in the

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morning, about 14-15 people in which Mushtaque Ahmad was also present came to her home. When she asked about their presence, Mushtaque Ahmad said that her marriage was solemnized as per the Hindu custom, but she had to solemnize the marriage as per the Muslim custom because Ranjeet Singh Kohli following Islam. Until she performed *Nikah*, her marriage would not be valid. She also said that *Kaazi* was present, and he told her to say *Kabul hai, Kabul hai, Kabul hai*. The *Kaazi* asked her name, then Mushtaque Ahmad told her name as Sara Praveen, then the *Kaazi* asked her father's name, which was a Hindu name, then the *Kaazi* questioned about it. Mushtaque Ahmad said to *Kaazi* that she had professed Islam, then *Kaazi* demanded a certificate regarding the conversion, and then Mushtaque Ahmed said that the certificate would be provided later on and please complete the proceedings. After that, *Kaazi* forwarded the register where her name was written as Sara Praveen and denied signing on it. After that, she was tortured by Ranjeet Singh Kohli and his mother. She told him that one day, a person brought an invitation card addressed to Rakibul Hassan, she told him that no one of this name was residing there. Then Ranjeet Singh Kohli's mother said her husband's name is Rakibul Hassan. She also told him that Ranjeet Singh Kohli used to sodomize at gunpoint. When she went for an *Iftar* party at the house of Md. Mushtaque Ahmad, she was compelled to eat beef and was forced to accept Islam Religion.

In cross-examination, this witness has deposed that he had examined as a witness concerning this matter on two occasions, first

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before the family court and second time before the lower court. He further deposes that police and CBI both had enquired with him. He further says that a handwritten note was given by him for the first time to the I.O. of the CBI during the investigation. This witness has admitted that the letter marked as Ext-2 is in the writing of his sister (Victim). He states that on 07.07.2014, he was present in person during the marriage of her sister. The witness said that on 19.08.2014, he had gone to the R4D Blair Apartment at night. This witness has admitted that he is not an eyewitness of the occurrences of assault with her sister, her conversion, and *Nikah* as per Muslim rituals. He has further deposed that it is a fact that firstly, on 19.08.2014, he had submitted a complaint in writing and signed by his father at Hindpidi police station by naming only Ranjeet Singh Kohli. The witness further states that his sister came to her residence after marriage on the occasion of the *Rakhi* festival for two days. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

25. PW-14 Ravindar Mehta has deposed in her examination in chief that she was retired from the post of Principal. She was the neighbor of Ranjeet Singh Kohli and his mother, Kaushaliya Devi. She further stated that Kaushaliya Devi once told her that her son's name is Rakibul Hassan, and he also used to offer *Namaz* in the evening. Then, the witness told Kaushaliya Devi in a lighter mood that you people must also keep Roja; however, Kaushaliya Devi did not respond. In June 2014, Kaushaliya Devi invited her; she reached there and saw that Ranjeet

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Singh Kohli, XYZ, and some other persons were also present; she identified the person wearing a blue shirt in the court (Mushtaque Ahmad) was also present there. In August, her door was knocked, and she came out; then she found police and other persons were present. Police enquired about the incidents that happened in XYZ's House, then she replied in negative. As per the direction of the police, she went inside the house, where XYZ was weeping and saying that she was beaten.

In cross-examination, this witness has deposed that Ranjeet Singh Kohli was residing in the flat himself with his mother and a domestic worker before the marriage. She has further deposed that Kaushal Rani often came at her place after 3 - 4 PM. The witness had deposed that in her statement before the CBI, she had said that after the marriage of Ranjeet Singh Kohli, she and Sahay Bhabhi said to Kaushal Rani to introduce the daughter in law, and she invited them for the same, and on that occasion, everything was normal there. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

26. PW-15 Harimati Kumari stated in her examination-in-chief that she knows Ranjeet Singh Kohli because she was looking after his mother. On 07.07.2014, Ranjeet Singh Kohli's marriage was performed in which Mushtaque uncle was also present. She knows him because he used to come to the house of Bhaiya. On the following day of the marriage, some persons came to the house wearing clothes different from her known persons. After that, she went to her home and returned

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from there after a few days and found that XYZ Bhabhi was weeping. She asked about the reason; then Bhabhi said that Bhaiya had beaten her. On that day, police came to the house at night hours and took Bhabhi from there. She also said that she saw injury marks on the back of Bhabhi. She identified Md. Mushtaque Ahmad and Ranjeet Singh Kohli, who were present in the Court and claimed to identify Kaushal Rani.

In cross-examination this witness has deposed that it is fact that she was residing in the house of Ranjeet Singh Kohli. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

27. **PW-16 Poonam Devi** has deposed in her examination in chief that she knows Ranjeet Singh Kohli because, in 2014, she did domestic work for 05 to 06 months. Ranjeet Singh Kohli's marriage was solemnized in the Radisson Blu Hotel. On the next day of the marriage, Ranjeet Singh Kohli's mother asked her to come home as some guests were coming in the evening. The guests came to the house in which 05-06 people wore the white colour dress and also wore a cap, and their appearance was like Muslim. The Kaazi was also present. She identified Md. Mushtaque Ahmad, who is present in the court, and said he was also present on that day. A white colour carpet was placed in the drawing room, and on the opposite side of the curtain, she, along with Bhanumati, XYZ, and Ranjeet Singh Kohli's mother, was sitting. XYZ Bhabhi was wearing a white dress and white *Dupatta*, which the witness feels unsuitable because she was wearing a white dress just the next day of

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marriage. After some time, one person brought a copy and paper, and some money was given to XYZ Bhabhi as a Mehar. XYZ Bhabhi denied taking money, but after insistence, she took it. On an occasion, when she came to the house, she noticed the injury marks on the face of XYZ Bhabhi and enquired about the injuries; then she said that Ranjeet Bhaiya had inflicted these injuries. She further said that XYZ Bhabhi had told her that a paper had been placed in the balcony, and the mobile number of her brother was written on it. She states that she called on that mobile number, which her brother picked up. On the next day, when she reached that house, people said that her master is not present there because the police had come into the house. The house was locked; she further said that some photo frames were placed on the walls, which she could not recognize as she could not read them. She further said those photo frames were not related to her religion, and she is unaware of other religions.

In cross-examination, this witness had deposed that CBI had called her through notice, and when CBI recorded her statement, both gents and ladies were present there. She has further deposed that it is true that the mother of Ranjeet Singh Kohli had called her at her place on the very next day of the marriage. She has stated that in the Hindu faith, white is treated as ominous. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

28. PW-17 Hashamuddin Ahmad Zuberi stated in his examination in chief that he knows Ranjeet Singh Kohli. Ranjeet Singh Kohli invited him for the *Iftar* party and also requested to call the

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Maulana. On his request, the witness invited Kaazi Jaan Mohammad for the *Iftar* party. When the witness reached the house of Ranjeet Singh Kohli, Kaazi Jaan Mohammad was present there. He says that after some time, Kaazi Jaan Mohammad talked to Ranjeet Singh Kohli and prepared to go out of the house; when the witness enquired about the reason, Kaazi Jaan Mohammad told him that there was something doubtful and some problem concerning the *Nikah*. Mushtaque Sahab and others were also present in the *Iftar* Party. This witness was declared hostile at the prosecution's request, and during cross-examination by the prosecution, he stated that the *Kaazi* may have told him about *Nikah*, but he could not hear the same as he has mild trouble in the hearing.

In cross-examination by the defence, this witness has deposed that it is true that on dated 08.07.2014 at R4D Blair Apartment, Ranchi, during his presence, he had not seen any lady member through his eyes. He has further deposed that in his statement before CBI, he had stated that on 08.08.2014, he had visited the house of Ranjeet Singh Kohli for the *Iftar* Party. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

29. PW-18 Pradeep Kumar Gottam, an expert witness, has stated in his examination in chief that he is presently posted as Principal Scientific Officer (Photo), CFSL, New Delhi. On 12.09.2015, he and his colleague Deepak Kumar Tawner participated in a search conducted at Ranchi for case no.RC-09(S)/ 2015. He photographed and recorded the searches undertaken in Blair Apartment, Ashok Vihar, and Ashok Nagar.

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He further stated that inspection memos were prepared in which he identified his signatures on the earlier marked **Ext.10, 11 & 12**. His signatures on the above documents have been marked as **Ext. 5/47** to **Ext. 5/54** (On Ext.10), **Ext. 5/55** to **Ext. 5/57** (On Ext.11) and **Ext. 5/58** to **Ext. 5/59** (On Ext.12). He also submitted a memory card in which data from photography and videography were stored, and he had identified his signature on the memory card, which is marked a **Material Ext-II**, and the witness's signature was marked as **Ext-5/7**. The cover in which the memory card is placed was marked as **Material Ext-II/1** and the signature as **Ext-5/61**.

This witness is an expert witness and has been examined by the defence at length, but nothing came in the cross-examination of this witness, which may falsify the prosecution's case.

30. PW-19 Anup G Philip states in his examination in chief that on 12.09.2015, he was working as Dy. Manager (Personnel) at CCL HQ and attended CBI office on the direction of his higher authorities. After that, along with the CBI team, he reached Blair Apartment, where state police officers were also present. The doors were locked and sealed. Hence, the lock was broken, and after that, the search was made; a search list was prepared consisting of 07 pages, which were earlier marked as **Ext-10**, in which he identified his signatures, marked as **Ext-5/16** to **5/23**. After the search at Blair Apartment, searches were conducted at Ashok Vihar and Ashok Nagar, and the search lists were prepared, which were earlier marked as **Ext-11 & 12**, in which he identified his signature.

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The witness says that two CFSL officers were also present during the searches and conducted videography and photography. He also identified his signature on earlier marked **Ext-13 to 13/06**, which are seal specimens. The witness also identified his signature on **Ext-6 and 7**, and his signatures have been marked as **Ext-5/62 & 5/63**. He identified his signature on the yellow colour envelope, which is marked as **Ext-5/64**. The sealed envelope was opened in the court, in which four packets of condoms were found, which were marked as **Material Ext-III**. Another yellow-coloured envelope was opened in which a *Gamchha* (Towel) was found on which the witness identified his signature; the same is marked as **Ext-5/65**, and the Gamcha (Tower) is marked as **Material Ext-IV**. In the same envelope, four caps were found, marked as **Material Ext-V to V/3**, and the yellow envelope marked as **Material Ext-V/4 and V/5**. The other yellow envelope, which consists of the witness's signature, is marked as **Ext- 5/66**; the envelope was opened, and several packets of condoms were found, which are collectively marked as **Material Ext-VI**. The identity card in the name of Ranjeet Singh Kohli related to summer coaching camp was also found during the search, on which the witness identified his signature, which is marked as **Ext-5/67**, and the said card is marked as **Material Ext-VII**. The material D-13, which is an envelope on which "*Tarkib e Namaj*" has been written, was opened in the court in which a book named "*Tarkib e Namaz*" is found consists of pages 1 to 112, on which the witness identified his signature on the first and last pages which marked as **Ext-5/68 and 5/69**. And the book is marked as

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Material Ext-VIII and the envelope as **Material Ext-VIII/1**. The document D-12 is the invitation card of the Jharkhand Government on which Rakibul Khan Sahab (Kohli), Main Road, Ranchi, is written, and the invitation was for "*Dawat-e-Ifthar*," on which the witness identified his signature. The witness's signature is **Ext-5/70**, and the invitation card is **Material Ext-IX**. Another invitation card in the name of Paritosh Upadhaya was also found on which the witness's signature is marked as **Ext-5/71**, and the invitation card is marked as **Material Ext-X**. Further, a written paper dated 30.11.2013 was also found during the search in which Namaj Rojana, Dua Sattar bar, Tilawat Kuran Sarif, and other Hidayats were written in which witness identified his signature upon search, which is marked as **Ext-5/72**. Further, six loose pages from pages 8 to 13 were also found, and on its page no. 11, a prayer is written in English; the witness identified his signature on these pages, marked as **Ext-5/73 to 5/78**. Another envelope in which the witness identified his signature and is marked as **Ext-5/79** was opened in the court in which another box was found, and the witness identified his signature on that box, which is marked as **Ext- 5/80**. The same was opened in which packets of Ashwagandha and Shilajit capsules were found, marked as **Material Ext-XI** and envelope as **Material Ext-XI/1**. The witness further states that all the documents and materials he identified were found during the search and mentioned in the inspection memorandum, which are numbered as **Ext-10, 11 & 12**.

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In cross-examination this witness has deposed that he had received summon for his evidence. He had further deposed that the packets which were seized are duly signed by him and the proceedings were prepared in his presence. Further on perusal of the Ext. IX which is a card of Dawat-e-Iftar, is related to the invitation to Janab Rakibul Khan Saheb (Kohli), Main Road, Ranchi. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

31. PW-20 Ashish Kumar Singh states in his examination in chief that he is the nephew of Ranjeet Singh Kohli, and on 12.09.2015, he was present at the Blair apartment at the request of CBI. The CBI team offered to his maternal grandmother, Kaushal Rani, to search the team members; however, she denied it, then the lock was opened, and a search was conducted there. After a search at Blair Apartment, the searches were conducted at Ashok Vihar and Ashok Nagar in his presence, and the memorandum was drawn, which had already been marked as **Ext-10, 11 & 12**, and signatures of the witness on these memorandums were marked as **Ext-5/81 to 5/93**. He also identified his signature on the seizure memo dated 05.06.2016, his signature marked as **Ext-5/94**, and the seizure memo marked as **Ext-13(a)**. Through the seizure memo, he gave four photographs on which he identified his signatures, which are marked as **Ext-5/95 to 5/98**, and photographs were marked as **Material Ext-XII, XII/1, XII/2 & XII/3**.

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This witness has deposed in his cross-examination that on dated 12.09.2014 the CBI had prepared seizure memo and he had signed upon it. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

32. PW-21 Lal Ambika Nath Shahdeo states in his examination in chief that his daughter's name is XYZ, and her marriage was solemnized with Ranjeet Singh Kohli on 07.07.2014, at Hotel Radisson Blu, Ranchi, in the presence of both the parties. Md. Mushtaque Ahmad was also present in the marriage and was the "Aguva" of the marriage. Md. Mushtaque Ahmad said that he is like the father of Kohli. On 14.08.2014, this witness was in Varanasi, where his son Dwed Nath Shadeo informed him over the phone that the victim XYZ was being tortured and was also forced to convert to religion. On that information, he returned to Ranchi on 18.08.2014, and on 19.08.2014, he reached the Hindpidi police station and gave a written complaint to the police. He identified the writing of Dwed Nath Shahdeo on the complaint and witnessed his signature on it, which is marked as **Ext-14**. After that, he, along with police, reached the Blair Apartment, where a maid opened the door on the knock. The witness says that his daughter was injured and could not walk properly. There were many injury marks on the face and other parts of bodies. After that, her daughter told him that Md. Mushtaque Ahmad had ruined her, and he did not help him despite asking for the same. She also narrated that she was brutally beaten by Ranjeet Singh Kohli @ Rakibul Hassan, and her husband had threatened to kill

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her father and to implicate her brother in a false case of rape if she told anything about the incident to them. She also said they were trying forcefully to convert her religion, Mushtaque Ahmad was also involved in the matter. Mushtaque Ahmad knows about the religion of Ranjeet Singh Kohli. After some time, a statement of his victim daughter was written, which was earlier marked as **Ext-5**, and the witness's signature is **Ext-5/1**. He has also identified his daughter's signature, which is marked as **Ext-5/99**. The witness further says that after that, he, along with police, reached Sadar Hospital, Ranchi, and after the necessary procedure, they took the victim daughter to RIMS Hospital, where after two days, she was discharged. He also identified the victim's handwriting on the paper marked as **Ext-15**. After his daughter's marriage, he first learns that the name of Ranjeet Singh Kohli is actually Rakibul Hassan.

In cross-examination, this witness has deposed that it is true that the engagement of his daughter with Ranjeet Singh Kohli took place on 20.06.2014 at Blair Apartment according to Hindu rituals in the presence of both the families and on that day, he met with the mother of Ranjeet Singh Kohli and Mushtaque Ahmad for the first time. He further stated that after rescuing his daughter on 19.08.2014, his statement before police u/s 161 Cr.P.C. was recorded. He says that he knows that divorce has been taken between his daughter and Ranjeet Singh Kohli, and he was deposed in the divorce case. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

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33. PW-22 Harishchandra Singh stated in his examination in chief that he was posted as a Police Inspector at Daily Market Circle, Ranchi on 19.08.2014. FIR No. 742/2014 was marked to him for investigation on 26.08.2014. He identified the signature of Sri Arvind Kr. Sinha, the then SHO on the FIR No.742/2014, marked as **Ext-16**. During the investigation, Ranjeet Singh Kohli and Koushal Rani were arrested on 26.08.2014 from Delhi, and the personal search memo was prepared by Randhir Kumar, Inspector, marked as **Ext-17**. The arrest memos of Ranjeet Singh and Koushal Rani have been marked as **Ext-18 & 19**. Further, on 29.08.2014, Ranjeet Singh was taken on police remand for 07 days. During police remand, he confessed to his guilt. Further, on 30.08.2014, a search was conducted in the house of Ranjeet Singh Kohli in Blair Apartment where CPU, video camera, Laptop, CD, Beacon light, and other materials were seized with were mentioned in the seizure memo, which is marked as **Ext-20**. The beacon light is marked as **Material Ext-XIII**. Another seizure list was prepared, marked as **Ext-21**, through which 13 BSNL SIMs, 5 Airtel SIMs, 6 Nokia Mobile Phones and 1 MTS mobile were seized. Through the seizure memo dated 24.08.2014, 04 vehicles were seized. The seizure memos were marked as **Ext-22**. The witness says that during the investigation, two other cases were also registered, the first was related to the seizure of so many SIMs, and the other was associated with the harboring of Ranjeet Singh Kohli by different persons. After investigation, he filed the charge sheet in the Court of CJM, Ranchi, which is marked as **Ext-23**. On 15.05.2015, he

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handed over the charge of the case along with all documents to Ram Pravesh Prasad, Police Inspector, for further investigation.

In cross-examination, this witness has deposed that during the remand of Ranjeet Singh Kohli, he took him to his flat at Blair Apartment for search, and several materials were recovered there, which are mentioned in the diary by preparing seizure list. The witness says that in relation to the seized items from the house of Ranjeet Singh Kohli, a separate case bearing no. 797/2014 was registered at Kotwali Hindpidi Police Station. The witness further states that Ranjeet Singh Kohli had called *Kaazi* to perform *Nikah* through a person. This witness further says that till his tenure of investigation, none had made any allegation against Md. Mushtaque Ahmad, and he had submitted the charge sheet only against the two named accused. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

34. PW-23 Md. Farooque states in his examination in chief that on 19.08.2014, he was posted as SHO at Hindpidi police station, and on the direction of the then DIG Praveen Kumar, he, along with other police officers and family members of the victim, reached Blair Apartment, upon opening of the door he saw that the victim was frightened and she embraced to her *Mausi* and started weeping and stating that she was beaten by her husband Ranjeet Singh Kohli and mother in law Kaushal Devi and also said that they had forced her to convert and she was also forced to eat beef. The witness says that at that time, one boy aged about

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22 years and a maid were also present. The victim stated that one day, someone came with an *Iftar* Party invitation card in which Ranjeet Singh Kohli's name was written as Rakibul Hassan. She also said that her husband wanted to solemnize Nikah, and on that day, the High Court's Registrar was also present. The witness says that Deepika Prasad took fardbeyan of the victim, and after that, they took the victim to Sadar Hospital, where her medical treatment was conducted and she was referred to RIMS. He identified the requisition of the injury report, which is written in his handwriting and signed by Deepika Prasad, Police Inspector, which is marked as **Ext-24**. He has identified the document No. D-21, which is handing and taking over memo dated 18.09.2015, through which he handed over the case documents to the CBI Inspector. The memo is identified as **Ext-24/1**.

In cross-examination, this witness has deposed that he has not investigated the Hindpidi case no. 742/2014. He has further stated that on 19.08.2014 at about 8.15 PM, the then DIG Pravin Kumar Singh called him, and upon his information, he made an entry into the station diary and, for confirmation of the information, rushed to the place of occurrence with the lady staff. He further states that he had not informed the Sub Inspector of Police, Deepika Prasad, on his level. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

35. PW-24 R.K.Srivastava states in his examination in chief that he is the Principal Scientific Officer (Ball) CFSL Delhi and has

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examined more than 500 cases related to Cyber Crime. In this case, on 16.11.2015, two sealed parcels referred from the SP CBI SC-I, New Delhi, were received by the Director, CFSL. The case was transferred to him for examination. These two parcels contained one Handycam digital video camera recorder (with one DVD and memory stick) and one iPad. He forwarded the digital video camera recorder with DVD to the photo division of CFSL Delhi, who examined the exhibits. The I-pad was returned un-examined because the facility to examine I-pad was not available at that time. He has further deposed that after examination, the photo division returned the exhibits to the witness for reading deleted data of the said devices. The witness used different tools and found no deleted data in the DVD. The deleted data retrieved from the memory stick marked as C-1 was forwarded in the form of a soft copy stored in 01 CDR marked as annexure-1. His report dated 26.06.2016 consists of three pages bearing his signatures marked as **Ext-25**. Annexure-1 of the report was opened, and a CD has been found, which is marked as **Material Ext-XIV**. The jewel box is **Material Ext-XIV/1**, and the envelope is **Material Ext-XIV/2**. Another box for returning Cam-1 was opened in the court, consisting of a black bag, Cam-1, C-1, Camera, DVD-1, and DVD-2. The camera is marked as **Material Ext-XV**, the memory stick as **Material Ext-XV/1**, **DVD-1** as **Material Ext-XV/2**, **DVD-2** as **Material Ext-XV/3**, the jewel cover as **Material Ext-XV/4** and the black colour bag as **Material Ext-XV/5**.

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He is an expert witness and has been examined by the defence, but nothing came in the cross-examination of this witness, which may have shaken the conviction of the prosecution's case.

36. PW-25 Kiran Devi has deposed in her examination in chief that she is a housewife and Ranjeet Singh Kohli is her brother. The marriage of her three sisters was solemnized as per the Hindu rites and rituals, where Seven *feras* around the fire were conducted. Her marriage was solemnized on 16.04.1984 per Hindu customs, and seven *feras* were also happened. She has further deposed that in her maternal family, marriages were solemnized as per the Hindu rites and rituals. Her daughter's name is Lalita, and her marriage was also solemnized as per the Hindu rituals. She states that her another brother died due to drowning in the water.

In cross-examination, this witness has deposed that it is true that in the year 2014, his brother called an *Iftar* Party at his residence, in which he had arranged caps, gamchha (towel), etc., for distributing among invitees. No such evidence came in the cross-examination of this witness, which may impeach the credibility of the prosecution case.

37. PW-26 Mrs. Seema Pahuja has deposed in her examination in chief that in 2015, she was posted as Dy.S.P. in Spl. Crime -1, New Delhi. On 10.08.2015, RC-S12015S0009 was registered, and she was duly authorized to investigate the case. She identified the signature of the then DIG Smt. Lata Manoj Kumar, on the FIR, which consists of four pages, on pages 04 and 06, the witness identified the signature of Smt.

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Lata Manoj Kumar, and the FIR is marked as **Ext-26**. She further deposed that the case was registered on the order of the Hon'ble High Court dated 22.05.2015 and vide state notification dated 30.08.2014 and the Govt. of India notification dated 25.11.2014. The case was first registered by State police as FIR no.742/2014 dated 19.08.2014 at Police Station- Kotwali/Hindpidi. The three annexures along with the FIR are attached: the order of the Hon'ble High Court, notification of Jharkhand Govt., and notification of Department of Personnel and Training Govt. of India. After perusal of FIR, she reached Ranchi along with her team, including the experts of CFSL, New Delhi. She has further deposed that after obtaining the search warrant from the Ranchi Court, she came along with her team and two independent witnesses at Blair Apartment, the house of Ranjeet Singh Kohli. The presence of Smt. Kaushal Rani and Ashish Singh (nephew of Ranjeet Singh Kohli) were ensured, and the lock was opened. During search CFSL Expert conducted photography and videography. During search, different incriminating documents were seized, and memorandum was drawn, which consisted of 09 pages and earlier marked as **Ext-10** and witness identified her signature on each page, and the same was marked as **Ext-5/100 to 5/107**. The searches were also conducted in the same way on two other places, namely Ashok Vihar and Ashok Nagar. The inspection memorandum, which was earlier marked as **Ext-11**, is related to Ashok Vihar, on which she identified her signatures marked as **Ext-5/108 to 5/110**. The memorandum was drawn in relation to the Ashok Nagar house search also, and the same was

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earlier marked as **Ext-12**, on which the witness identifies her signatures, which are marked as **Ext-5/111 to 5/112**. The witness has deposed that due to the bad smell at the house situated in Ashok Vihar the search memorandum of that house was prepared at the another house of the accused situated in Ashok Nagar. The specimen of seal impression was also taken, which was earlier marked as **Ext-13 to 13/7**, on which the witness identified her signatures, which are marked as **Ext-5/113 to 5/120**. She further deposed that the CFSL expert conducted photography and videography during the search and provided a CD of it. She identified the CD, which is marked as **Material Ext-XVI**. She has taken some printouts from the CD, which consist of 12 pages and marked as **X/21**. She further states that during the search, a bunch of paper was also seized, which consisted of 89 pages, in which pages no. 40, 41 & 42 are receipts of donation, written in Arbi/Farsi script; the whole bunch of paper is marked as **Ext-27**. Some of the religious materials/ books like *Kuran* were also found during the search but not seized; however, photography and videography were conducted. She further states that during the search "Tarkib-e-Namaz" book (**Material Ext-VIII/1**) Dawat-e-Iftar Card (**Material Ext-IX**), summer caching i-card (**Material Ext-VII**), some papers on which Hidayat Namaz was written were also found which are marked as **Ext-28 and 28/1**. The witness stated that for the victim's statement, an application was moved on 08.06.2016 U/s 164 Cr.PC in the court of CMM, Saket, New Delhi, on which the witness identified her signature. The application is marked as **Ext-29**. On

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09.06.2016, she applied for a certified copy of the statement U/s 164 Cr.P.C. of victim XYZ, on which she identified the signature, which is marked as **Ext-29/1**. The MM, Saket, New Delhi, recorded the victim's statement, which the witness signed for the victim's identification; the same is marked as **Ext-5/121**. She further deposed that the Dawat-e-Iftar card (**Ext-6 & 7**) sent by Hazi Hussain Ansari to Janab Rakibul Hasan Sahab, Main Road, Ranchi, were found during the search. She has deposed that during the investigation, she obtained a certified copy of the medical report from Sadar Hospital Ranchi (**Ext-8**), which she signed as a token of receipt. Further, during the investigation, medical of the victim was also conducted, which was earlier marked as **Ext-9**. She identified the signature of Smt Sabita, Inspector, on the report. Signature of Smt. Sabita is marked as **Ext-5/122**. Further, the witness deposed that during the investigation, the victim had produced the C.Ds. related to her marriage, which were earlier marked as **Material Ext-I to I/1**, which were seized by the witness in the presence of Rishi Shahdeo. The victim also produced two Dawat-e-Iftar Cards, earlier marked as **Ext-4 & 4/1**, and the receipt memo marked as **Ext-31**. The witness further deposed that some material and documents were seized during the investigation from Md Farooqui, who was working at the Hindpidi police station and taking over memo was drawn on which she identified her signature, which is marked as **Ext-32**. During the investigation, 03 parcels, along with a forwarding letter signed by Sri S.S.Gurum, the then SP CBI SC-I, New Delhi, were sent to CFSL for examination, which is marked as **Ext-**

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33. The witness further says that during the investigation on 10.05.2016, two documents were seized from the victim, and a memorandum was prepared, which is marked as **Ext-34**; additionally, on 07.06.2016, the witness requested for medical examination of the victim girl to the CMO, VMCC, Safdarjung Hospital, New Delhi which is marked as **Ext-35**. The application dated 15.01.2016 for conducting a medical examination is identified by the witness and marked as **Ext-36**, and for obtaining a certified copy of the medical report, the witness identified the certified copy of the medical examination, marked as **Ext-36/1**. Further, during the investigation, Sri Dharambir Mitharwar, the then Inspector, seized some documents from Md. Farooq Inspector State police and memorandum was drawn, which was earlier marked as **Ext-25** on which she identified the signature of Dharambir Mitharwar. She further states that during the investigation, she and Sri Dharmabir Mitharwar, the then Inspector, and Sri K.K.Singh, the then Dy.S.P., took the statement of witnesses u/s 161 Cr.P.C., the names of the witnesses enclosed as Annexure-II in the charge sheet. The relevant documents are mentioned in Annexure-I and the articles in Annexure-III of the charge sheet. After investigation, she submitted a supplementary charge sheet against accused Ranjeet Singh Kohli, Kaushal Rani, and Md. Mushtaque Ahmad U/s 120-B r/w 496, 376, 323, 298, 354-A, 506, 498-A IPC. The supplementary charge sheets consist of 11 pages in which she identified her signature on each page and the signature of the then SP Sri Anurag on page no. 11 of the charge sheet. The charge sheet, along with the annexures, are marked as **Ext-37**.

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In cross-examination, this witness has deposed that it is true that Dwed Nath Shahdeo had told in his statement that the *Nikah* was not completed. She deposes that she had perused the fardbeyan. She has further deposed that she had taken the assistance of Sri Dharmvir Mitharval, the then Inspector, CBI, for the investigation of this case as well as other related cases, and he had recorded statements of some witnesses as per her instruction. She had further deposed that she visited the Blair Apartment and recorded the statement of one witness, Ravinder Mehta u/s 161 Cr.P.C., who used to reside in front of the flat of accused. The witness has deposed that Kamini Singh, the maternal aunt of the victim, had stated in statement u/s 161 Cr.P.C. that the victim had told her that these people had performed *Nikah* of the victim on 08.07.2014 during the day hour. The witness stated that the victim had said in her statements that Ranjeet Singh Kohli had pressured her for *Nikah* on the next day of the marriage. Further, the witness says that it is true that Deepika Prasad, the then Sub-Inspector, Mahila P.S., Ranchi, had stated before her in statement u/s 161 Cr.P.C. that the victim was taken to the Sadar Hospital, Ranchi for her medical examination on 19.08.2014 in the night between 1 to 2 AM. Further, the victim has told her that she was brought to Sadar Hospital, Ranchi, from Blair Apartment on 19.08.2014 in the night between 1 to 1.30 AM. Upon perusal of Ext-8, this witness says that the date and time of the medical examination of the victim is mentioned as 11.50 PM on 19.08.2015. This witness has denied that due to the recording of the second statement u/s 164 Cr.P.C. of the victim, the

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interest of justice was violated. This witness had stated that in his statement u/s 161 Cr.P.C., the witness Hasimuddin Juberi had revealed that during Ramjan month of the previous year, Ranjeet Singh Kohli had called him on the phone and invited him to in an *Iftar* party and also told him to call Kaazi Jaan Mohammad Mustafi so that Ranjeet Singh Kohli can perform *Nikah*. There is no such evidence came in the cross-examination of this witness which may falsify the case of prosecution.

Defence Witnesses :

38. DW-1 Sachin Kumar has deposed in his examination in chief that he is working as an Assistant in the office of the S.D.O., Sadar, Ranchi, and he has brought the record of the M.P. Case no. 04/2019, in which the inventory was prepared. That inventory is prepared as per the order of S.D.O. Saheb dated 02.08.2019 in flat no. 4D R Blair Apartment. In the said inventory, 14 articles were received from the drawing room, 8 articles from the kitchen, 20 from room no. 1 (there is cutting at serial no. 7), 13 from room no. 2, and 15 from room no. 3 are mentioned in the list. The witness deposed that S.Sinha received these articles on dated 02.08.2019, and there is no other article is mentioned in the inventory except the articles given in the list. The witness recognized the signature of Sri Rakesh Ranjan Oraon, Executive Magistrate, Sadar, Ranchi, on the inventory, which has been marked as **Ext-H**.

In cross-examination, this witness has deposed that he was posted at the District Land Acquisition Office, Ranchi, on

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02.08.2019, when the inventory was prepared, and has no knowledge about it.

39. DW-2 Mustaque Alam has stated in his examination in chief that he has been duly authorized by the Chief Minister of Jharkhand Sri Hemant Soren, to depose before this court on his behalf. He has deposed that the letters or invitation cards in relation to any function are provided by the Chief Minister's office to the party office, and the senior office bearers used to receive the cards as per their requirement. He cannot say who had sent the card (Material Ext-IX) to Rakibul Khan Saheb. He does not know the address of Rakibul Saheb, and he is unknown to him, though he had heard about him through the newspaper.

In cross-examination this witness has deposed that it is true that the Material Ext-IX is addressed to Janab Rakibul Khan Saheb (Kohli), Main Road, Ranchi and the sender of the card is Hemant Soren, Chief Minister, Jharkhand and on that card Dawat-e-Iftar, Friday, 2 August 2013 is mentioned. The witness further states that Sri Hazi Hussain Ansari was the Senior Vice President of the Jharkhand Mukti Morcha and also Minister of the Jharkhand State. It is possible that he had received few cards from the party office.

40. DW-3 Nirbhay Kumar Sinha has deposed in his examination in chief that he is the Nodal Officer, Jharkhand in Bharti Airtel Ltd and posted at Ranchi. He has identified the certificate issued u/s 65-B Evidence Act which bears his signature and seal of his company.

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He has deposed that this certificate is related to the mobile no. 7739099216, which was activated in the name of Ranjeet Singh Kohli on dated 26.06.2014 and deactivated on 23.12.2016. The witness had identified the copies of customer application form and driving license attested by him and both the documents have been marked as **Ext-J/1** and **J/2** respectfully.

In cross-examination this witness has deposed that the address of the applicant I-95, Ashok Vihar not properly readable. Further, the address given on the attested copy of the driving license is also not readable and he had attested these documents without comparing from the documents available on server.

41. DW-4 Madhumita Gupta has deposed in her examination in chief that she has been authorized through an Authorization Letter issued by Head Office of the Reliance Communication, that letter has been marked as **Ext-K**. This witness has produced the CDR of mobile no. 9334189468, from 20.06.2014 to 19.08.2014 consist of seven pages, attested by her along with the forwarding letter has been collectively Marked as **Ext-L**. The witness has produced another CDR which is related to mobile no. 9304683846 from 20.06.2014 to 19.08.2014 consist of hundred pages, along with the forwarding letter has been collectively Marked as **Ext-L/1**. The user of the mobile no. 9304683846 is Lal Ambika Shahdeo. In the CDR calling party and call receiving parties with tower location has been given. The witness has narrated with full

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detail regarding the calls of these mobile with calling party and call receiving party during the given period.

In cross-examination this witness has stated that as per her data mobile no. 9334189468 is in the name of Lal Ambika Nath Shahdeo and mobile no. 9334189468 is in the name of Rudrani Singh. It is stated by her that it is not necessary that the person in whose favour the sim has been issued actually use that sim card.

42. The charges of present case have been explained to the accused persons in following manner :

>>> **Ranjeet Singh Kohli-** u/s 120-B r/w sec. 496, 376, 323, 298, 506 & 498-A IPC for the conspiracy the above offences and distinctly for the offences u/s 496, 376, 323, 298, 506 & 498-A IPC for commission of respective offence.

>>> **Kaushal Rani-** u/s 120-B r/w sec. 496, 376, 323, 298, 506 & 498-A IPC for the conspiracy the above offences and distinctly for the offences u/s 323, 298, 506 & 498-A IPC for commission of respective offence.

>>> **Mushtaque Ahmad-** u/s 120-B r/w sec. 496, 376, 323, 298, 506 & 498-A IPC for the conspiracy the above offences and distinctly for the offences u/s 354-A & 298 IPC for commission of respective offence.

43. Before entering into the discussion with regard to the charges framed against the accused persons, I would like to decide the core issue of the dispute first that the accused, Ranjeet Singh Kohli, was following the Hindu faith or Muslim religion before the performance of marriage dated 07.07.2014 with the prosecutrix. Now, the question before

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me is whether the above accused professed and practiced Hinduism at the relevant time as he claims himself as Hindu/Sikh Punjabi Khatri. I believe religion or belief is a matter of an individual's conscience. The determination of the religious acceptance of a person must not be made on his name or birth. When a person intends to profess any faith or belief, he does all that is required by the practices of that particular faith/religion to which he belongs, and he is accepted as a person of that religion or belief by the persons around him. The prosecution has brought the following evidence in the form of documents/materials to prove that the above accused is known by another name, i.e., Rakibul Hassan/ Rakibul Khan Saheb, and he used to follow the religious practices of Islam. These are the envelope and invitation card from Haazi Hussain Ansari (Ext. 4 & 4/1), Material Ext. IX & X invitation cards of Dawat-e-Iftar dt. 02.08.2013 and 26.07.2013, Material Ext. VIII a book Tarkib-e-Namaz, Ext-28 page regarding Jaruri Hidayat of Namaz, Ext. 6 & 7, i.e., two invitation cards of Dawat-e-iftar dt. 10.08.2012 and 26.07.2013, four caps marked as Material Ext. V to V/3. Apart from that, oral evidence is also on record, such as organizing his Nikah ceremony at his residence as stated by the prosecutrix and corroborated by PW-6 Kaazi Jan Mohammad Mustafur, PW-16 Poonam Devi. Further, the oral evidence of PW-15 Harimati Kumari and PW-17 Hashamuddin Ahmed Zuberi also indicates that they were present at the time of the question ceremony at the residence of accused. The disclosure about the religious identity of the above accused by her mother to PW-14 Ravinder Mehta also

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establishes that the accused used to offer *Namaz* and her mother told her that the name of his son is also Rakibul Hassan. The more important fact is that PW- 5 Hazi Hussain Ansari, Ex-Minister of the Govt. of Jharkhand, has deposed in his cross-examination that the accused himself told him about his name as Rakibul Hassan @ Ranjeet Singh Kohli. This witness has admitted before the court that he had sent the invitation cards of *Dawat-e-Iftar* dated 10 August 2012 and 26 July 2013. This witness has also stated that he had seen some pictures related to the Muslim and Hindu faith in the house of the accused, and he came to know upon quarry that the marriage between XYZ and Ranjeet Singh Kohli has been performed as per Hindu rites and rituals as well as Muslim rituals. Further, PW-26 has deposed that some of the religious materials/ books like *Kuran* were also found during the search at the house of the A-1 but not seized. The defence side specially the accused Ranjeet Singh Kohli has failed to explain that why the *Nikah* ceremony was organized on the very next day of the Marriage, performed as per the Hindu rituals, and if he is a secular or cosmopolitan individual, then why deny the fact of organizing *Nikah* ceremony at his residence, which is duly proved by the above-referred prosecution witnesses. Further, the relatives of the victim were not called in the *Nikah* ceremony, whereas all three accused were attending the ceremony. The entire circumstances which are brought by the prosecution indicate motive, preparation and previous and subsequent conduct of the accused persons and the same are relevant as per Section 8 Indian Evidence Act. To controvert the fact that the accused is not a

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Muslim but belongs to the Hindu/Sikh faith, he has brought Ext-F the Aadhar Card No. 821579999408 and Ext-G the PAN Card No. AIWPK9899F, in the name of Ranjeet Singh Kohli. In my considered opinion, these documents can't prove the religious identity of any person; as I have already discussed above, religion or belief is a matter of an individual's conscience, and his name can't determine the same. Moreover, there is no mention of the religious identity of the accused on these exhibited documents. Hence, these documents are not able to brush aside the evidences brought by the prosecution in the above context. Here, the below cited authority of the Hon'ble Supreme Court of India is very relevant, *In M. Chandra vs M. Thangamuthu and Ors. AIR 2011 SC 146*, where their Lordships have been pleased to held that, "*Reliance placed on the birth records, entries in the telephone application and voters list cannot be the sole ground for proving that the appellant is professing Christianity.*" In view of the matter, it can be safely held that the accused, Ranjeet Singh Kohli, was professing Islam before the date of marriage with the prosecutrix i.e. 07.07.2014, as he was practicing Islamic rituals/practices and was also known as a person of that religion or belief by the persons around him.

44. Now for appreciating the rival submissions made by Ld. Senior P.P. for C.B.I. and also the Ld. Counsels for the defence in the backdrop of the evidences brought by the parties, it is necessary to reproduce the relevant provisions of the law relating to the IPC under which the charges have been explained in the case in hand -

(i) Sec 496 IPC : Marriage ceremony fraudulently gone through without lawful marriage :

Section 496 of the Indian Penal Code defines the offence of 'mock marriage' and punishes fraudulent or mock marriage. This section applies to such cases in which the marriage ceremony is complete but under no circumstances constitutes a valid marriage and in which one of the parties is induced to believe that a valid marriage has been constituted thereby.

The essential ingredients of Sec. 496 IPC are:

- >> The accused went through the form of marriage,
- >> He knew that he was not lawfully married.
- >> He went through the form of marriage dishonestly or fraudulently.

It means one of the parties to the marriage makes the other party to believe that the marriage between them is valid, even though it is not a valid marriage. The deceived party innocently believes that their marriage ceremony is lawful. The offence is that the wrongdoer intentionally, dishonestly and fraudulently made the other party to the marriage believe that their marriage and marriage ceremony are lawful. In the instant case the fardbeyan dated 19.08.2014 of the victim which is marked as Ext. 5 depicts that on the 07.07.2014 a marriage ceremony as per Hindu rites and rituals was organized at Hotel Raddison Blue, Ranchi, and the marriage between the victim and accused Ranjeet Singh

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Kohli was solemnized, and this fact is admitted by both sides. The A-1 has argued that the marriage was solemnized as per the customs of the victim side in presence of one Lalu Pandit ji, but it is also came during evidence that the A-1 had requested to not perform seven feras and affix tika on forehead being Punjabi and allergy by tika. The vital point to be mentioned here is that the victim has stated in her fardbeyan that on the very next date of that marriage, the accused had organized a ceremony for performing *Nikah* with the victim, and as the victim deposed in para-27, the accused told her that now she is his wife in the eyes of the world, but she shall be his wife only when she performs *Nikah* with him by calling Kabool hai, Kabool hai, three times. This evidence of the victim is fully corroborated by PW-6 kaazi Jan Mohammad Mustafur, the *kaazi* who was called for performing *Nikah*, and PW-16 Poonam Devi, the maid working in the house of the accused. Furthermore, the oral evidence of PW-15 Harimati Kumari and PW-17 Hashamuddin Ahmed Zuberi also supported the fact of convening the ceremony at the residence of the accused. The evidence show that at the time of performing the marriage as per the Hindu rites and rituals the accused was knowing that the marriage performed according to Hindu ritual was not the actual and valid marriage, hence he told the victim to perform *Nikah* as per his wish, as after performing *Nikah* by calling Kabool hai, Kabool hai, three times the victim shall be his legally wedded wife. As per the evidence available on the record, the necessity of performing *Nikah* for a valid marriage had not been told to the victim and her family members on the previous

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occasion, and none of the members of the victim's family called to attend the said ceremony. The above facts establish that the marriage took place on 07.07.2014, making the other party believe that the marriage between them is valid, even though it was not a valid marriage as the accused himself told the victim that the previous ceremony of the marriage was for showing the world and for the validity of the marriage, she has to perform *Nikah* with him calling *kabool hai kabool hai* three times. In the case of ***Queen v. Kudum, 1864 WR (Cr) 13***, it was observed that “ mens rea is the essence of the offence under Section 496 IPC. It must be known by the offender that the marriage in which he/she is entering is an invalid marriage. The knowledge of this fact is necessary. If in any case, the accused is not knowing the fact that the marriage is not valid then he is not liable to be punished.” Here, the accused, Ranjeet Singh Kohli, knows that the marriage dated 07.07.2014 was not a valid marriage, and despite the same he dishonestly and fraudulently performed the marriage with the victim as per the Hindu rituals without informing real fact to the victim and her family members. Hence the accused is held guilty for the offence u/s 496 IPC.

(ii) Section 498A IPC : Husband or relative of husband of a woman subjecting her to cruelty:

This section says that whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished for the same.

Ingredients of the offence under Section 498-A IPC :

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The prosecution must prove that:

- > the concerned victim was a married lady.
- > that she has been subjected to cruelty by her husband or the relative of her husband
- > that such cruelty consists of either :-
 - a. harassment of a woman with a view to coerce her meeting a demand of dowry, or
 - b. a willful conduct by the husband or the relative of her husband of such a nature as is likely to lead the lady to commit suicide or to cause grave injury to her life, limb or health.

In view of the discussions in relation to the offence u/s 496 IPC, it has already been established that the marriage dated 07.07.2014 between the accused, Ranjeet Singh Kohli, and the victim was not a valid marriage as it was performed fraudulently by the accused, knowing the fact that the *Nikah* by pronouncing *Kabool hai, Kabool hai* is essential to make the said marriage valid. The evidence shows that the marriage dated 07.07.2014 was fraudulent or mock as the accused himself arranged the ceremony of *Nikah* to validate his marriage with the victim. It is also came in the evidence that *seven feras* (taking seven rounds around the sacred fire) were not performed during marriage on the request of the A-1, that he would not take ferra of the "Agni", as the said ritual is not as per the practice of his family, whereas his sister PW-25 has deposed that at the time of her marriage *seven feras* were performed. It has been settled through catena of judicial pronouncements that the 'saptapadi' ceremony (taking seven rounds around the sacred fire) under

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the Hindu law is one of the essential ingredients to constitute a valid marriage and 'saptapadi', makes the marriage complete when the seventh step is taken and unless the marriage is celebrated or performed with proper ceremonies and due form, it cannot be said to be 'solemnised'. If the marriage is not a valid marriage, it is not a marriage in the eyes of law. Further, the *Nikah* was also not completed as per the evidence of the *Kaazi i.e.* PW-6 as the girl was a Hindu, and there was no conversion certificate for performing the *Nikah* was available there. Hence, being the marriage dated 07.07.2014 a mock or sham marriage and further, as the witness who is the *Kaazi* has deposed that the *Nikah* could not be performed. Further, in a case similar to the instant case decided by Hon'ble M.P. High Court in ***Bimla Bai v. Shankerlal, AIR 1959 MP 8***, "*the respondent before his marriage was represented as a Brahman boy, when actually he was a dasiputra (an illegitimate child born of gurmi woman). The marriage was held to be voidable.*" In another case where the Respondent wife sought annulment of marriage on the ground of fraud, the lower court held that the representations made for the marriage were false & consent of the respondent was obtained by fraud. The Hon'ble Delhi High Court held that the appeal had no force, and the same was dismissed in the case of ***Anurag Anand v. Sunita Anand 1996 0 Supreme (Del) 828***, the marriage annulled. In the present case, it has been found that the marriage dated 07.07.2014 was not a valid marriage, as it was performed by fraud as discussed above; and also, on the next date of the above sham marriage, *Nikah* could not be performed; the

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relation of accused Ranjeet Singh Kohli and the victim as husband and wife can not be held established. As such, I hold that the accused Ranjeet Singh Kohli and Kaushal Rani were not the husband and relative of the husband of the prosecutrix at the time of the occurrence, and said charge against both accused remained unproved. Hence, the accused, Ranjeet Singh Kohli and Kaushal Rani, are not guilty for the offence u/s 498-A IPC.

(iii) Section 323 IPC: for voluntarily causing simple hurt.

It is a general section for the punishment of the offence of voluntarily causing simple hurt.

Ingredients of offence.-

The essential ingredients of the offence u/s 323 are as follows:

- (1) Accused voluntarily caused bodily pain, disease or infirmity to the victim;
- (2) The accused did so with intention of causing hurt or with the knowledge that he would thereby cause hurt to the victim.

To prove the above offence, prosecution has brought the fardbeyan of the victim dated 19.08.2014 on the record marked as Ext-5, which depicts that the victim was rescued from the house of the A-1 and A-2 situated at Blair Apartment, Ranchi in the injured condition on that day and she had alleged that both the accused used to assault her by the different means. She was later on treated at the Sadar Hospital, Ranchi on same day as per the requisition of the police and the said fact find support by the evidence of PW-10, 13, 21 & 23 who were with the team of the

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local police at the time of rescue of the victim. Further, PW-7, the doctor has admitted about her treatment in his evidence and also identified the injury report Ext-8 which is not the original rather true copy of the original report. Though the prosecution has raised objection while marking the injury report but failed to give any cogent reason to disbelieve the Ext-8. Further, the maids working in the house and examined as PW-15 & 16 have also stated that they had seen injuries on body of the victim and the victim told that was inflicted by the A-1. Another witness who is the neighbor and residing in the same apartment has deposed as PW-14 that when she reached there on call of the police, saw that the victim was weeping and narrating that she has been assaulted. In view of the above clinching evidence, it is proved that accused A-1 & A-2 had assaulted the victim when she was residing with them. Accordingly, charge for committing offence U/s 323 IPC against the accused has been proved by the prosecution.

(iv) Section 354-A IPC, sexual harassment of a woman.

According to Section 354-A of Indian Penal Code, it is a "sexual harassment" which includes sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature prohibited by law. In terms of Sec 354-A IPC, the following acts/ingredients shall be treated as sexual harassment :

- (a) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (b) a demand or request for sexual favours; or

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(c) showing pornography against the will of a woman or

(d) making sexually coloured remarks.

The charge of the above offence has been distinctly leveled against the accused Md. Mushtaque Ahmad as it is in her deposition recorded in the court at para 40 and 41, the prosecutrix stated that she visited the house of A-3 (Mushtaque Ahmad) with A-1 a few days after the marriage on the occasion of the *Iftar* Party. It is indicated her that there 25-30 women were present; she had alleged that after completion of the *Iftar* party, Md. Mushtaque Ahmed induced her to come into a room where he attempted to rape her and also touched her cheeks and breast, and showed her an intimate video, which was recorded by Raquibul Hassan. The above allegation has not been corroborated by any independent witness who had seen the prosecutrix while attending the *Iftar* Party there, and even the prosecution has failed to bring any such witness who can confirm the fact that he/she had seen her in the house of Md. Mushtaque Ahmad or while going to the place of accused for the *Iftar* Party. The victim had also not raised any such allegation in the first instance when she approached the police. P.W. 26, the I.O. had also not found any evidence during investigation of the case. Further, in my mind, how could a person commit such a felony with a lady when 25-30 women and the wife of accused were inside the house? If it has happened, then it must be corroborated by any independent evidence. As such, charge for committing offence u/s 354-A IPC against the A-3 could not be proved by the prosecution beyond shadow of the reasonable doubt.

(v) Section 506 of IPC: punishment for the offence of Criminal Intimidation.

As per the reading of the definition of "Criminal intimidation" would indicate that :

>>> there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested;

>>> the threat must be with the intent to cause alarm to the person threatened;

>>> it must be to do any act which the victim is not legally bound to do or omit to do an act which he/she is legally entitled to do.

To substantiate the above charge against the accused, I go through the fardbeyan of the victim, which is the basis of the initiation of this case. On 19.08.2014, the victim, in her statement (Ext-5), alleged that her marriage was performed on 07.07.2014 with A-1 according to Hindu Customs, and on the next day, A-1 called *Kaazi* to solemnize *Nikah*, and A-1 told her that until she performed *Nikah*, he would not be her husband, he assaulted her and threaten to kill her father and brother and also to implicate her other relatives in false cases. In her evidence recorded before the court, she again reiterated that she was tortured and forced to perform *Nikah* on the very next day of her marriage, and it also came in her evidence that A-1 told her to pronounce *Kabool hai-Kabool hai* for *Nikah* and if she wanted to live respectfully, then she has to do

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whatever said by him. The PW-4 says that the accused also threatened that if she told her father and brother anything, he would implicate them in false Arms Act and Rape Cases and kill them. The victim has again deposed in Para-33 & 34 that A-3 gave the register to sign on it at the time of *Nikah* ceremony, where her name was written as Sara Praveen, so she refused to sign on it as her name is XYZ. Then, all three accused threatened her for dire consequences and started torturing her mentally and physically. A-1 threatened her with his pet dog and smoked on her face; A-2 also used to smoke upon her. The injuries on the victim's body, as found by the doctor PW-7, are proved before the court as Ext-8, which corroborates the fact that these injuries were inflicted on her body in furtherance of intimidation by the accused person as deposed by her in evidence. The above described acts of the A-1 & A-2 show that they threatened the victim of causing injury to her and to the persons in whom she is interested and trying to compel her to do such an act, which the victim was not legally bound to do. Hence, the charge for committing offence u/s 506 IPC against the A-1 and A-2 has been proved by the prosecution beyond shadow of the reasonable doubt.

(vi) Section 298 IPC : Uttering words, etc., with deliberate intent to wound religious feelings :-

To hold person liable under Section 298 of the Indian Penal Code the following ingredients must be present

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- >>> (i) The accused uttered any word or made any sound in the hearing of, or made any gesture in the presence of that person or placed an object in the sight of the person;
- >>> (ii) The accused did so intentionally and deliberately; and
- >>> (iii) His intention was to wound the religious feelings of any other persons.

In order to see whether this charge can be proved by prosecution or not, I again refer the fardbeyan dated 19.08.2014 of the victim, where she has stated that A-1 called a *Kaazi* on the next day of the marriage and forced her for performance of *Nikah*. The witness reiterated the fact again before the court and deposed that a ceremony of *Nikah* was organized by the A-1 on the next date of her marriage, where the *Kaazi* was also present, here the witness has disclosed the name of accused Md. Mushtaque Ahmad, whose name was not given by her in her fardbeyan. The defence has objected that the name of the A-3 in charge sheet of the CBI is an intentional act of the persons who have hostility with him. In this context I have to mention here that absence of the name of any accused in the FIR and submission of the charge-sheet against him after investigation is not fatal to the case of prosecution. The PW-17 has deposed and corroborated the fact regarding presence of the A-3 in the residence of the A-1, at the time of *Nikah* ceremony and the said fact remained controverted by the defence, hence presence of the accused during *Nikah* ceremony can not be denied. Calling a function to perform *Nikah* with victim at the place of occurrence i.e. R-4D, Blair Apartment,

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Ranchi has already been proved by the prosecution witnesses, PW-6 Kaazi Jan Mohammad Mustafur and PW-16 Poonam Devi. Furthermore, the oral evidence of PW-15 Harimati Kumari and PW-17 Hashamuddin Ahmed Zuberi also supported the fact of convening the ceremony at the residence of the accused. The victim has deposed before court that all three accused facing trial had forced her to perform *Nikah* with A-1 by pronouncing *Kabool hai-Kabool hai*. It is a known fact to all that *Nikah* by saying *Kabool hai* three times is a ritual of Muslim religion. The victim has deposed that she is a follower of Hindu faith and she was not ready to do as the accused persons were compelling her. In my considered view, creating pressure and force upon a lady for *Nikah* and to utter words *Kabool hai-Kabool hai* which are not according to her faith or religious affiliation is tantamount to wound her religious feelings. The evidence available on the record establishes that the accused persons did by showing there gesture and saying words as above with the deliberate intention of wounding the religious feelings of the prosecutrix. Hence, the charge u/s 298 IPC is proved by the prosecution.

(vii) Section 376 IPC: Offence of Rape :-

‘Rape’ is a kind of sexual exploitation of a women, against her will and without her valid consent. The provisions of Section 376 IPC is attracted in the case of intercourse by a man committed upon a woman in following conditions :

>>> *Against her will;*

>>> *Without her consent;*

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>>> *Consent is obtained by force or putting a person of her interest under fear of death;*

>>> *Consent obtained by a misconception;*

>>> *Consent was obtained when the person was unsound, intoxicated, or under undue influence;*

>>> *Women under the age of eighteen with or without her consent;*

>>> *A woman who is unable to communicate her consent.*

To substantiate the above charge against the accused, I perused the fardbeyan (Ext-5) of the victim, which is the basis of the initiation of this case. The victim has stated that A-1 used to make physical relations with her forcefully. The prosecutrix has confirmed the said statement before the court during her examination and deposed in para-35 that the A-1 had raped her forcefully at gunpoint. She again stated in para-43 that the A-1 used to torture her heavily and commit unnatural sex with her forcefully at gunpoint. This fact also came in the statement u/s 164 Cr.P.C. of the victim. It had already been found and described above that due to the fraudulent marriage; it has been established through the evidence that A-1 is not the victim's husband. Hence, having physical relations and committing unnatural sex by him with the victim indeed came under the definition of rape as per provision u/s 375 IPC. Further, the argument of the defence is that the Ld. Family Court, Ranchi in Matrimonial Suit No. 15/2017 has find the relation between the accused Ranjeet Singh Kohli and victim as husband and wife

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in the judgment marked as Ext. A, hence the said judgment and decree are the conclusive proof and relevant for the matrimonial relation of the accused Ranjeet Singh Kohli and the prosecutrix as per the Section 41 of the Evidence Act. The prosecution has opposed the contentions of the defence and submitted that as per the provisions of the Section 41 Evidence Act only final judgment can be conclusive proof of the matrimonial relations etc. Here, the said judgment and the decree of the Ld Family Court, Ranchi has been challenged before the Hon'ble Jharkhand High Court, vide F.A. No. 338 of 2018, and same is still pending, hence the judgment and decree in Matrimonial Suit No. 15/2017 can not be taken as a conclusive proof. Upon consideration of the above submissions and provision of the law, it is apparent that the law is quite clear on the said point, and only judgment and decree in Matrimonial Cases, etc., who had attained finality can be considered as conclusive proof and relevant as per the provisions of Section 41 Evidence Act. Hence, the judgment and decree of the Family Court, which is under challenge has no relevancy to the present case. Further, as per the legal principle the findings of fact recorded by the civil court do not have any bearing so far as the criminal cases concerned, because standard of proof is different in civil & criminal cases. In civil cases it is preponderance of probabilities while in criminal cases it is proof beyond reasonable doubt. It is also settled law that proceedings between the same parties while dealing with the same subject-matter in both the cases have to be decided on the basis of the evidence adduced therein. In the instant case the

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marriage according to the Hindu rites and rituals has already been proved fraudulent and sham. It has been admitted by both the sides marriage between the victim and A-1 was solemnized, and they admitted to living as a married couple from 07.07.2014 to 19.08.2014, with or without valid marriage; it would be presumed that the relationship as husband and wife was in existence during their stay which also includes repeated physical relation between them. Section 114 of the Evidence Act provides that a Court may presume the existence of certain facts, which includes human conduct likely to have happened. Hence, the sexual relations (natural or unnatural) made by A-1 with the victim during the above period can't be said with her consent or free will; further, the evidence on record indicates that the same was obtained by the said accused, keeping the victim under fear of injury or misconception. Under Section 90 IPC a consent given under fear of injury or misconception is not a consent in the eyes of law. Further, the presumption under section 114-A Indian Evidence Act shall also be drawn in favour of the prosecutrix that she had not consented to the act of said accused and in the light of the decision of ***State of H.P. v. Gian Chand (2001) 6 SCC 71***, the sole testimony of the prosecutrix is sufficient to prove the guilt of the accused. The defence has brought it in to the notice that vide Ext. 9 prepared by P.W. 8 (Dr. Neha Pirthi), the prosecutrix has admitted that she had made physical relation two years before from the date of said Medical Examination, i.e., done on 07.06.2016. The defence says that the prosecutrix had admitted that she had made sexual relations before 07.06.2014; hence, the

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statement of the prosecutrix itself contradicts the charges of physical relations after marriage, as the date of marriage is 07.07.2014. In this regard I have to say that the usual course of the human conduct would be that while narrating a particular incident, minor discrepancies may occur; such discrepancies have no bearing in law. Here, the date, as pointed out by the defence is very close to the date of the said marriage. Hence, the point raised by the defence is discarded as being immaterial. Further, in ***State of Punjab v. Gurmit Singh, 1996 2 SCC 384***; The Hon'ble Court has been pleased to direct that, *"The courts must, while evaluating evidence, remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her. In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case. The inherent bashfulness of the females and the tendency to conceal outrage of sexual aggression are factors which the Courts should not overlook, the testimony of the victim in such cases is vital and unless there are compelling reasons which necessitate looking for corroboration of her statement, the courts should find no difficulty to act on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. Seeking corroboration of*

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her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury. Why should the evidence of a girl or a woman who complains of rape or sexual molestation, be viewed with doubt, disbelief or suspicion ? The Court while appreciating the evidence of a prosecutrix may look for some assurance of her statement to satisfy its judicial conscience, since she is a witness who is interested in the outcome of the charge levelled by her, but there is no requirement of law to insist upon corroboration of her statement to base conviction of an accused. The evidence of a victim of sexual assault stands almost at par with the evidence of an injured witness and to an extent is even more reliable.” In the instant case charge has been explained to the A-1 for the offence u/s 376 IPC during the period from July-August 2014 alongwith other charges. The section 376 has two subsections. The different kind of rapes and their punishment have been mentioned under sub-section (2) of the Section 376 IPC. The charge has been explained for only Section 376 IPC without mentioning its subsection, whereas the details have been explained to the accused with the period of the offence. The offence committed by the accused is defined under Section 376(2)(n) IPC as during the given period, it would be presumed that the relationship as a married couple was in existence, which also includes repeated physical relations between them, though the marriage was not valid as per the case of the prosecution. There is no chance that the accused was misled with the facts and particulars related to the offence as it was duly explained to him; there was an omission in writing of the exact provision of the

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punishment of rape. Further, during statement u/s 313 Cr.P.C., he was again asked about the repeated physical relations (Natural and unnatural) with the victim. The said omission in charge is curable under Sec 215 Cr.P.C. In **Kahan Singh v. State of Haryana, (1971) 3 SCC 216**, it has been held that “Procedural laws are designed to subserve the ends of justice and not to frustrate them by mere technicalities. The object of the charge is to give an accused notice of the matter he is charged with. That does not touch jurisdiction. If the necessary information is conveyed to him and no prejudice is caused to him because of the charges, the accused cannot succeed by merely showing that the charges framed were defective.” In view of the above discussions, A-1 is found guilty for the offence of committing rape with the victim as defined u/s 376 (2) (n) of the IPC by hatching conspiracy.

(viii) U/s 120(B) I.P.C. : To constitute this offence following ingredients are to be proved-

>>> *An agreement between two or more persons;*

>>> *The agreement should be to do or cause to be done some illegal act or some act which is not illegal, by illegal means, provided that where the agreement is other than one to commit an offence, the prosecution must further prove;*

>>> *That some act besides the agreement was done by one or more of the parties in pursuance of it.*

To substantiate the charge for the offence u/s 120-B IPC, the materials have been placed by the prosecution that the accused persons

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A-1 & A-3 had started to knit the web of conspiracy when they met with the victim in a Rifle Shooting Camp at Khel Gaon, Ranchi. The defence argued that the victim had approached the A-1, and she had developed intimacy with the accused and was eager to marry him. In my opinion, the fact regarding intimacy and eagerness of the girl is immaterial; the main point is that who responded to that offer or accepted the offer with full honesty. The documents on record as Ext-1, 2 & 3 prove that the victim, her brother (PW-13), and A-1 & A-3 were attending the said camp. The prosecution has also brought the identity card of A-1 concerning the shooting camp. PW-1 & 3 have supported the fact that both accused person and victim, along with her brother, used to attend shooting camp. The above witnesses have also heard about the settlement of the victim's marriage with the accused. The victim has deposed before the court that A-1 and A-3 approached her for marriage with A-1. She has further deposed that A-3 had persuaded her for the said marriage. The brother of the victim, who also attended the camp, has been examined as PW-13, has corroborated the said fact as deposed by the victim. The victim and her brother had participated in a dinner party at the residence of the A-1 on the final day of the summer camp, along with some shooters who were attending the camp. It also came in the evidence of the above witnesses that in the said dinner, A-3 was also present, and on that day, all three accused conjointly persuaded the victim to marry A-1 and to agree her father and other relatives for that. Further, the engagement of the victim and A-1 was organized on 20.06.2014, and later on, the

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marriage, according to Hindu rites and ritual, was solemnized on 07.07.2014, and it is proved by the prosecution that on 08.07.2014 *Nikah* ceremony was organized by calling *Kaazi*, which is a ceremony as per Muslim religion and none of accused had informed the victim or her family about the said fact and the victim was not ready to perform *Nikah*. The prosecution has also proved that the victim was tortured and raped by A-1 till she was rescued from the clutches of the accused. The above facts clearly establish that there was an agreement between all three accused to commit an offence. It was in their knowledge that they were persuading the victim for her marriage by playing fraud as they were hiding the identity of A-1 with her and her family members, hence accused persons are equally liable for each illegal act committed by them jointly or separately. In the case of ***Devender Pal Singh vs. State N.C.T. of Delhi, AIR 2002 SC 1661***, Hon'ble Court has observed that, "*where the conspiracy alleged is with regard to commission of a serious crime of the nature as contemplated in Sec. 120-B read with the proviso to sub-section (2) of Sec. 120-B, then in that event mere proof of an agreement between the accused for commission of such a crime alone is enough to bring about a conviction under Sec. 120-B and the proof of any overt act by the accused or by any one of them would not be necessary. The provision in such a situation, do not require that each and every person who is a party to the conspiracy must do some overt act towards the fulfillment of the object of conspiracy, the essential ingredient being an agreement between the conspirators to commit the crime and if these*

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requirements and ingredients are established, the act would fall within the trapping of the provisions contained in Sec. 120-B.” Further, in the case of **Mukesh vs. State for NCT of Delhi & Others, AIR 2017 SC 2161** it has been held that *“Once reasonable ground is shown for believing that two or more persons had conspired to commit offence, any thing done by anyone of them in reference to their common intention, evidence regarding the criminal conspiracy u/s 120-B IPC will be admissible against the others.”* Further, as per the normal practice there can be no charge of ‘Rape’ against a woman but if sufficient evidences are available on records, a woman can be charged of abatement or hatching conspiracy of the offence of rape committed by co-accused. In view of the above discussions, I found that all three accused are guilty of the conspiracy, and thereby they are held liable for committing offence u/s 120-B r/w Sec. 496, 376(2)(n), 323, 298 & 506 of the I.P.C.

45. Now, I want to discuss the main defence of the accused persons pleaded by them. The defence side had more emphasized on the contradictions of the witnesses with their earlier statements, these so-called contradictions have been highlighted by them during argument, which are mentioned in Para 10(a) and (b) of this judgment. It is a settled preposition of law that contradiction is the act of saying something that is opposite or very different in meaning to something else what is said earlier. In trials, while cross examination, a contradiction happens when a witness under oath says something that is opposite or very different in the meaning or other wise to what is mentioned in the previous statement

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recorded. In the instant matter the victim has never contradicted to the facts mentioned in her fardbeyan during her examination before the court. The defence tried to contradict the witness with the statements recorded during investigation by the state police also and it is apparent from the record that the prosecutrix had raised doubt on the investigation by the local police, and upon considering the matter, the Hon'ble Jharkhand High Court has been pleased to direct the CBI for investigation. It has been held in ***Baladin and ors. vs. State of Uttar Pradesh, AIR 1956 SC 181***, *"If the police record becomes suspect or unreliable, as in the present case, on the ground that it was deliberately perfunctory or dishonest, it loses much of its value and the court in judging the case of a particular accused has to weigh the evidence given against him in court keeping in view the fact that the earlier statements of witnesses as recorded by the police is tainted record and has not as real value as it otherwise would have in weighing all the material on the record as against each individual accused."* Further, with regard to the argument of the defence about contradictions the decision of ***Leela Ram vs State of Haryana, AIR 1999 SC 3717*** is quite relevant, where the Hon'ble Supreme Court has been pleased to held that *" There is bound to be some discrepancies between the narrations of different witnesses when they speak on details, and unless the contradictions are of a material dimension, the same should not be used to jettison the evidence in its entirety. Incidentally, corroboration of evidence with mathematical niceties can not be expected in criminal cases."* Further, it has been held

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by the Hon'ble Supreme Court in ***Esher Singh vs State of A.P., AIR 2004 SC 3030***, that *“The evidence of a witness cannot be discarded merely because he has made improvements over his police statements by stating some of the facts for the first time in his deposition before the court. If the facts stated for the first time before the court are in the nature of elaboration, do not amount to contradiction, and the evidence of the witness does not militate against his earlier version, his evidence cannot be discarded.”* The statement of the victim is consistent with the occurrence, in respect of that it has been held by the Hon'ble Supreme Court in ***Nankaunoo vs State of UP, (2016) 3 SCC 317***- *“Where the witnesses give consistent version of the incident, that the consistent testimony of the witnesses should be held credible.”* Further, the argument of the defence that A-3 was not named in the FIR despite that the CBI has submitted charge-sheet against him under the influence of the enemies and recording of multiple statements of the prosecution witnesses as well as recording of two statements U/s 164 Cr.P.C. of the victim makes the case doubtful and also arbitrariness of the prosecuting agency. This question is related to the investigation of the case, though the name of the accused was not in the FIR, he can not absolved from the case, if his name was surfaced during investigation. It is settled by the Hon'ble Court in ***Goures Venkata vs State (2003) 12 SCC 469*** that *absence of the names of the accused persons in FIR was not fatal.* Further, the defence has cited the decision of ***Vinay Tyagi vs Irshad Ali*** and argued that the CBI has conducted investigation in the instant case

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against the settled principle of law and re-investigated the case, whereas “re-investigation” or “de-novo” investigation falls in the domain of higher courts, that too in exceptional cases. The prosecution has replied that investigation of case has been done according to the established procedure upon direction of the Hon’ble Jharkhand High Court. In view of the rival submissions, I want to refer the case of ***State of Tamil Nadu vs N. Suresh Ranjan and Others (2014) 11 SCC 709***, where it has been opined by the Hon’ble Court that “*Any defect in investigation cannot be ground for discharge or acquittal of accused.*” I also make it clear that recording of two or more statements on different occasions during investigation either U/s 161 or 164 Cr.P.C. for the interest of investigation and for the quest of truth is not barred as per the law. In this regard the law decided in ***Ajay Diwakar vs State of U.P. and Others, 2023 0 Supreme (All) 761*** may be referred. Further, the accused has claimed by bringing call details (Ext-L & L/1) that the victim was in regular touch with her family members and friends during her stay at the place of A-1, and if anything happened to her as she states, she must communicate with her family, but she not told to her family members over phone instead informed to them through a maid Poonam is a total concocted fact. In this context, I have to say that the victim has herself deposed that she was threatened by the accused not to communicate anything to her family members; otherwise, they shall be roped in false cases or killed. The fact of putting the victim in fear and also causing injuries on her person during her rescue from the house of A-1 & A-2 is sufficient to infer that

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the victim was under threat and restrained from informing her family over phone about torture committed by the accused persons. Now at the last, I want to refer a decision of the Hon'ble Supreme Court in ***State of U.P. vs M. K. Anthony, AIR 1985 SC 48***, where the Hon'ble Court has been pleased to held that: *“Appreciation of evidence, the approach must be whether the evidence of the witness read as a whole, appears to have a ring of truth. Once that impression is formed, the Court should scrutinize the evidence keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by him and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief. Minor discrepancies on trivial matters not touching the core of the case, hyper-technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole”*

46. Thus, on the basis of the above discussion, I am of the considered view that, what required for establishing charges under Sec. 120-B IPC r/w Sec. 376 (2)(n), 496, 298, 323 & 506 IPC. have been proved against all the three accused and the prosecution has succeeded to bring home the charges for the offence punishable U/s 120-B IPC r/w Sec. 376(2)(n), 496, 298, 323 & 506 IPC. against them for hatching conspiracy, additionally substantive offence u/s 376 (2)(n), 496, 298, 323

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& 506 IPC against A-1, substantive offence u/s 298, 323 & 506 IPC against A-2 and substantive offence u/s 298 IPC against A-3 beyond the shadow of all reasonable doubts and the same time offence u/s 498-A IPC against A-1 & A-2 and offence u/s 354-A IPC against A-3, could not be proved by the prosecution.

47. In the result I find and hold guilty to the accused persons namely **Ranjeet Singh Kohli (A-1), Kaushal Rani (A-2) and Md. Mushtaque Ahmad (A-3)** for the offences mentioned above. The accused persons are on bail, their bail bond stands cancelled and they are taken into judicial custody.

Dictated, corrected and pronounced by me
in open court.

Sd/-
(Prabhat Kumar Sharma)
Spl. Judge, CBI, Ranchi
30.09.2023

Sd/-
(Prabhat Kumar Sharma)
Spl. Judge, CBI, Ranchi
30.09.2023

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05/10/2023 **Hearing on the point of sentence**

48. Learned counsels appearing for the convicts Ranjeet Singh Kohli, Kaushal Rani and Md. Mushtaque Ahmad have submitted that the convicts have traveled a long trial, this is the first offence where they have been held guilty, the convict Kaushal Rani is a very old and sick lady, Mushtaque Ahmad is also in his sixties with clean credentials. Further, the convict Ranjeet Singh Kohli is sole caring son of the old mother, hence a lenient view may kindly be taken while awarding sentence.

Learned Sr.P.P. CBI has vehemently opposed the contentions raised by learned defence counsels and submitted that severe punishment might be awarded to the convicts because of their illegal and gruesome acts against a woman. It further argued that the convicts had made the future of a young and bright national player of rifle shooting in the trouble, which may shine during national and international events, and due to their criminal acts, our nation has been deprived of her talent, because this incident shocked her physically and psychologically and she never back in the shooting range with her natural zeal. Hence, the offence committed by the convicts has affected not only her individually but also our nation. As such, the convicts may be penalized sternly to send a message to the society that wrongdoers never escaped from the clutches of law. It is stressed by the prosecution side that the convicts have

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committed an offence of serious nature and prayed for deterrent punishment for them.

49. Heard, the convicts have been given effect to an offence of serious nature, as they are held guilty of playing fraud, causing atrocities, and rape with a young girl by hatching conspiracy, who was shining at that time as a National Level Shooter. She was an impressive example of an empowered woman who was also a national asset. The acts of the convicts abruptly finished her career as a player and eventually a possibility of glory for this great nation on many international platforms. The case record depicts that when the convicts lured / approached her with their buttery words, she was in a gloomy phase due to the sudden departure of her beloved mother to the heavenly abode. The convicts used the moment to make her emotional and persuaded her to replace the mother's love and ultimately committed the offence for which now they have been found guilty and praying before the court for a lenient view.

A great scholar *Adam Smith* says : ***“Mercy to the guilty is cruelty to the innocent.”*** When we turn attention to our criminal justice system, we find that the Hon'ble Supreme Court of India has consistently observed that in operating the sentencing system, law should adopt the corrective machinery or deterrence based on factual matrix. The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused and all other attending circumstances are relevant facts which would enter into the area of consideration of the

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sentencing court. It is reiterated from time to time that undue sympathy to impose inadequate sentence would do more harm to the justice system and undermine the public confidence in the efficacy of law. It is the duty of every Court to award proper sentence having regard to the nature of the offence and the manner in which it was executed or committed. The Court must not only keep in view the rights of the victim to the crime but also the society at large while considering the imposition of appropriate punishment. (*Hazara Singh vs. Raj Kumar and others, AIR 2013 SC 3273*).

Hence, considering the facts described above and the nature of the offence and also age of the convicts, they are now sentenced as hereunder -

<i>Ranjit Singh Kohali, Convict (A-1)</i>		
	Penal Sections	Sentences
1.	Sec.120B IPC r/w Sec. 376 (2)(n), 496, 298, 323 & 506 IPC.	Imprisonment for life for remainder of his natural life and fine of Rs.50,000/-, on default of payment of fine S.I. of 6 months.
	Sec. 376 (2)(n) IPC	Same as above
	Sec. 496 IPC	R.I. of 5 (Five) years and fine of Rs. 25,000/-, on default of payment of fine S.I. of 6 months.
	Sec. 298 IPC	R.I. of 6 (Six) months.
	Sec. 323 IPC	R.I. of 6 (Six) months.
	Sec. 506 IPC.	R.I. of 2 (two) years.
<i>Kaushal Rani, Convict (A-2)</i>		
	Sec.120B IPC r/w Sec. 376 (2)(n), 496, 298, 323 & 506 IPC.	R.I. of 10 (Ten) years and fine of Rs. 50,000/-, on default of payment of fine S.I. of 6 months.
	Sec. 298 IPC	R.I. of 6 (Six) months.

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2.	Sec. 323 IPC	R.I. of 6 (Six) months.
	Sec. 506 IPC.	R.I. of 2 (two) years.
<i>Md Mushtaque Ahmad, Convict (A-3)</i>		
3.	Sec.120B IPC r/w Sec. 376(2)(n), 496, 298, 323 & 506 IPC.	R.I. of 15 (Fifteen) years and fine of Rs. 50,000/-, on default of payment of fine S.I. of 6 months.
	Sec. 298 IPC	R.I. of 6 (Six) months.

The sentences of imprisonment imposed upon them shall run concurrently and the period already undergone by the convicts during the trial and investigation if any, shall be set off. O/c is directed to issue conviction warrant and supply free copy of judgment to convicts at-once. Let a copy of this Judgment be sent to the Secretary, D.L.S.A, Ranchi for awarding suitable compensation to the victim u/s 357(A) Cr.P.C.

Dictated, corrected and pronounced by me
in open court.

Sd/-
(Prabhat Kumar Sharma)
Spl. Judge, CBI, Ranchi
05.10.2023

Sd/-
(Prabhat Kumar Sharma)
Spl. Judge, CBI, Ranchi
05.10.2023

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